

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

Volume II

First Regular Session

May 7, 1979 to June 15, 1979

INDEX

First Confirmation Session

August 3, 1979

INDEX

First Special Session

October 4-5, 1979

INDEX

Second Special Session

October 10-11, 1979

INDEX

Second Confirmation Session

December 7, 1979

INDEX

the day and later today assigned pending passage to be engrossed.

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Mrs. Bachrach.

Mrs. BACHRACH: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry I held you up on this bill, but I had received a message from the Department of Human Services and I just wanted to be sure there were no problems.

There is no problem. They are happy to do this, look into this problem for us, and I hope for some good legislation in the next session.

Thereupon, the Bill was passed to be engrossed and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Make Certain Adjustments for Legislative Personnel as a Result of Collective Bargaining (Emergency) (S. P. 564) (L. D. 1626) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Thereupon, the Bill was passed to be engrossed in concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Insure Parental Participation in a Minor's Decision to have an Abortion" (S. P. 220) (L. D. 604) (C. "A" S-181) which was tabled earlier in the day and later today assigned pending passage to be engrossed as amended.

The SPEAKER: The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker, I move that we reconsider the adoption of Committee Amendment "A".

I would like to have an opportunity not to destroy the nature of the bill but simply to offer a responsible amendment.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: I urge you people to vote against the reconsideration motion.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Vassalboro, Mrs. Mitchell, that the House reconsider its action whereby Committee Amendment "A" was adopted. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mrs. Mitchell of Vassalboro requested a roll call.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting, those in favor will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker and Members of the House: I want to assure the members of this body that this is not attempt to kill a very important bill. I am simply asking for the courtesy to offer an amendment which is very important to many members of this House, an amendment which we feel is necessary, at least to consider, and I am simply asking for that opportunity. Clearly, there are the votes here to pass this bill and I would simply ask for the courtesy of offering my amendment.

The SPEAKER: The Chair recognizes the gentleman from So. Portland, Mr. Howe.

Mr. HOWE: Mr. Speaker and Members of the House: Very briefly, I have kept my trap shut on these other abortion bills. I guess what I am asking you today is to let the gentlewoman from Vassalboro reconsider so that some of us, for whom this is not an easy issue on either

side, can at least look at this amendment with a possibility that we might be able to support this bill.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Laffin.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I certainly hope today that we will not allow any more amendments put on. I think we all know what they are trying to do and I would certainly urge the members of this House to stick fast. We have them on the run and we are going to keep them there.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I might remind the gentleman, Mr. Howe, that I am sure all the members can read. We have the amendment, we can read it, we can't discuss it now. The motion is to reconsider. Let's vote on that.

The SPEAKER: A roll call has been requested. The pending question is on the motion of the gentlewoman from Vassalboro, Mrs. Mitchell, that the House reconsider its action whereby Committee Amendment "A" was adopted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Bachrach, Baker, Beaulieu, Benoit, Berry, Birt, Blodgett, Bowden, Brannigan, Brenerman, Brodeur, Brown, D.; Brown, K.L.; Call, Carter, F.; Cloutier, Connolly, Cox, Davies, Davis, Dellert, Dow, Elias, Fillmore, Garsoe, Gavett, Gould, Gowen, Gwadosky, Hall, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Hutchings, Jackson, Jacques, P.; Kane, Kany, Kiesman, Lancaster, LaPlante, Leighton, Lewis, Lizotte, Locke, Lowe, Lund, MacEachern, Mahany, Marshall, Masterman, Masterton, Maxwell, McHenry, McKean, Michael, Mitchell, Morton, Nelson, A.; Nelson, M.; Nelson, N.; Norris, Paul, Payne, Peltier, Post, Prescott, Reeves, J.; Reeves, P.; Rolde, Sewall, Simon, Small, Sprowl, Stetson, Tarbell, Tierney, Torrey, Tozier, Tuttle, Twitchell, Violette, Vose, Wentworth, Wyman.

NAY — Barry, Berube, Bordeaux, Boudreau, Brown, A.; Brown, K.C.; Carrier, Carroll, Carter, D.; Chonko, Conary, Cunningham, Damren, Dexter, Diamond, Doukas, Drinkwater, Dutremble, D.; Fenlason, Gillis, Gray, Hanson, Hickey, Jalbert, Joyce, Kelleher, Laffin, MacBride, Martin, A.; Matthews, McPherson, McSweeney, Nadeau, Paradis, Pearson, Peterson, Rollins, Silsby, Smith, Soulas, Strout, Studley, Theriault, Whittemore.

ABSENT — Austin, Bunker, Churchill, Curtis, Dudley, Dutremble, L.; Fowlie, Immonen, Jacques, E.; Leonard, Lougee, McMahon, Roope, Sherburne, Stover, Vincent, Wood, The Speaker.

Yes, 89; No, 44; Absent, 17.

The SPEAKER: Eighty-nine having voted in the affirmative and forty-five in the negative, with seventeen being absent, the motion does prevail.

Mrs. Mitchell of Vassalboro offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-505) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: First, I would like to thank you very much for the courtesy that you afforded me in allowing me to offer this amendment.

I have served in this body for three terms and this is the very first time I have spoken on this issue. I find it very personal, very private and very difficult to speak on, and I certainly respect each of you, where you are coming from, and I am not attempting to make you vote against any of your convictions.

As my responsibility, I would like to offer this amendment for your consideration but, as

I said, I respect your positions.

The amendment that I would offer to the bill does not say that a parent should not be notified in the case of a minor child seeking an abortion. Just as there are no absolute rules in human nature, just as there are exceptions to every rule that I have ever heard of, there are some occasions, very rare occasions, indeed, I would hope, where it would be a mistake, where it would cause harm to the minor if the parents were notified. What this bill says, if the doctor, in his best medical judgment, feels that it would be to the detriment of this child, and we have all certainly spoken of child abuse, we have certainly spoken of broken families, we have certainly spoken of many problems in the area of the human family and there are certain occasions when it would certainly harm the child. In this position and in this case, using his judgment, not the minor's objection but his own best medical judgment, could then choose not to notify the parents.

As I said, I hope this would be a very rare occasion but I think you would all admit there are sometimes where parents are not appropriate in this process, very rare indeed.

I have a daughter of my own and I would want to know. I would not want some peer pressure to make her go to an abortion doctor and get an abortion without letting me know. As a parent, I am certainly concerned with the notification process. Each of you in here who is a parent or who has children around feel the same way. As I said, I am in favor of the notification but I also think it is very important to have a place to go in this rare occasion when the parents might abuse the child, where there might be some harm coming to the person.

There is a second part to the amendment. In the case where this happens, the physician still must notify the Department of Human Services so that the clear responsibility is on him, he is taking a grave risk when he chooses not to notify the parents, someone will know, it would be reported to the department. It is this amendment that I offer to you. It is a very difficult decision, a very personal decision, but I think you will all admit that there are problems.

When we talk about abortions, and I mentioned this to some friends today, we usually think of the family. I think you remember back to your grade school books a long time ago, I am telling my age, when we talked about Dick and Jane, Puff and Spot and the happy family where the father came home every day to a nice dinner. Well, the real world isn't all like that and a lot of times when we are talking about landlords and tenants in this body, you tend to talk about another kind of family, and I would suggest that in the real world, there are some occasions when a family is not the best support that a young adult in trouble can have and I would appreciate your consideration and I hope you might vote for this amendment.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I understand the gentlewoman from Vassalboro is trying to address a problem that is of a concern to her and it is to me too. However, I think that her amendment has a hole in it as big as a barn door, that is the health for the child. If the doctor says that it would impair the health of the child, then that would not have to be reported to the parent. If a child went to have an abortion to a doctor that performs abortions, I would think that his prejudice would come down on the side of the health of the child almost every time. In other words, I think he is leaning in that direction, and I just think that it would open this up so wide that what she is trying to address really wouldn't be addressed because everybody would be going through that loophole.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Boudreau.

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I really feel that a lot

of minors, under this amendment, could probably convince the doctor that the doctor shouldn't tell their parents.

We are talking about parental participation in the decision of a minor. You know, I had a bill in here about two months ago that 120 people in this House voted against. That bill would have allowed 17 year olds to give blood without parental consent—120 of you voted against that bill. The argument at that time was that the parents should be able to make the decision as to whether or not their 17 year old should give blood or not. I would find it quite difficult to understand how any of those people, who voted that way on that bill, could possibly vote for this amendment. I hope you will defeat the amendment.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I think we need to talk about the real world. I have been voting right along for the abortion bills that have been brought before us, but I can not support this one unless this amendment is attached to it. I not only ask you to adopt the amendment, I implore you to adopt it.

Last year, a 13-year-old boy pounded on my door at 2:30 in the morning, pleading with me to come to his home to help his sister. This is very emotional for me and I don't like to talk about it but I think the time has come to address it.

When I got to the home, there was a 16-year-old girl on the floor doubled over in pain, the victim of a savage beating by her mother. She had been caught in the bathroom vomiting by the mother and finally had to tell her mother that she was pregnant. The mother started to beat the child, the young woman, and insisted that the very next morning the girl was to go get an abortion. She refused and she was beaten badly. She refused to even go to the hospital, but I knew that I had to get her out of that setting and out of the house.

I am trained in knowing where to go for help, but my first reaction was to get her out and in my frustration and fear and just plain upset, I forgot a lot of the things that I was trained to do and I headed for the nearest rectory. As a Catholic, we are told and raised that when you need help, go to your priest. I went to the nearest rectory hoping that between the priest and I we could at least calm the girl down, get her to a hospital and into protective care when the Department of Human Services opened the next morning. Unfortunately for me and for her, it was the worst experience of my life. I am grateful that it was not my own parish that I went to, but the priest responded by saying, "I am sorry this happened but we must all pay for our sins." Let me tell you, ladies and gentlemen, that this priest will never again be regarded by me as a priest but as a despicable man.

I did get help for her. We stayed in the car. We went to Human Services and we did get her to a hospital. The end result, ladies and gentlemen, she kept her child. She is now married and this young couple are the parents of a deformed and retarded child for the rest of their lives.

I say to you that passage of this bill without the amendment before you is opening a door of abuse to other young women. I think it is time that you and I in this House start opening our eyes and recognize that family violence in this state is probably the most critical social problem facing us. Statistics are being gathered every day and the statistics are alarming if you check with the Department of Human Services. The statistics we have are just the tip of the iceberg. While I don't know how many of you choose to place your faith in statistics, I choose to give them some credibility and I am the first-hand witness of not only this incident I have told you about but many more, and let me tell you that one does not have to look very far

to find out what is going on in homes and not only low income areas.

On Page 8 of today's calendar, Item-5, I voted for a bill that allowed a waiting period before an abortion was performed. I supported that. This is the bill where, in my opinion, exploration should be made about family support or nonsupport of a potential abortion. Adopting the bill, as it states today, I promise you will create more serious problems in the areas of abuse in the home for young women and turn back of the seeking of legal abortions than anything I have seen come forward yet. I plead with you to adopt this amendment. If you don't then I am going to find the courage to get up and ask you to kill the bill.

The SPEAKER: The Chair recognizes the gentlewoman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I, too, hope that you will support the amendment. I have consistently voted pro-life in this session of the legislature and in previous sessions too, I believe. But one of my chief reasons is that we know that many, many of the children who are pregnant and who may be seeking an abortion are really the victims of incest. I don't think anybody here now, and I don't think that I am being egotistical when I say it, everybody here must know that I am making every effort under the sun to try to seek treatment and/or punishment for people who are molesting children. If these children are the victims of incest, then it doesn't seem right that the very parent who possibly is the cause of the child's pregnancy should be informed. I urge you to support this amendment.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker, I move the indefinite postponement of House Amendment "A" to Committee Amendment "A" on L. D. 604 and when the vote is taken, I ask for a roll call.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Payne.

Mrs. PAYNE: Mr. Speaker, Ladies and Gentlemen of the House: I, too, have voted as Mrs. Mitchell has right straight through on his issue, but I feel this amendment is something that is very important and there are very good safeguards in this.

The second part of the amendment, if the physician does not give notice under Subsection 2, he shall notify the Department of Human Service in writing of the exception of notification. The notice shall be confidential and not open to public inspection. This notice shall contain a statement of the number of abortions performed on unemancipated minors when the person performing the abortion was unable to give the notice. Now, if the same doctor's name came up again and again, it certainly would tip the Department off that he was going ahead and not making much effort to reach the parents, and I think that is a safeguard.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Diamond.

Mr. DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: I don't for a second, and I haven't spoken on any abortion bills, I have just been quietly pushing my button, but I have to say briefly that I don't in the least bit, question the sincerity of the gentlewoman from Vassalboro, Mrs. Mitchell, but if you read the paragraph of the section above that which the gentlewoman from Portland just read, you are going to read in there "harm to the health of the minor." The statement of fact talks about mental or physical. To me, when you say mental, that opens the door wide open.

Essentially what you are doing, and I think Mrs. Mitchell would agree, you are really putting in this bill, and if you agree with the bill then you should be aware of it, a large, large loophole, because mental concern could be about anything. In fact, in my opinion, which is only one person's humble opinion, a teenager who is pregnant, that in itself presents a very

typical, worthy concern in the terms of mental concern. So, I think that is what bothers me, the mental part of it.

If she is just trying to get at the physical kind of health problem we are talking about, that is a different story. But to put in there mental, that is the one that opens it up too much and I just can't buy it.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Tarbell.

Mr. TARBELL: Mr. Speaker and Members of the House: I have not spoken on any of these bills thus far before us. I would like to throw out perhaps a contribution to the debate and some of the arguments and remarks that have been made about the overbreath of the word health. Currently, under our child abuse and neglect statutes that we have in the State of Maine in which a child is abused or neglected and the State Human Services Department is petitioning to take custody away and to take legal rights away from the parents of that child and to take total custody of that child, the standard that is being used legally, and we have a large body of law on it, is circumstances which are seriously jeopardizing the health and welfare of that particular individual. The words "seriously jeopardizing Health and Welfare" are the standards that are used for child abuse, child neglect, physical child abuse and neglect, and I am wondering, if this particular amendment that Mrs. Mitchell has offered were to raise a higher standard and to close that loophole, if that would really meet some of the objections of overbreath from members here in the House. I just would throw this out as a suggestion.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Baker.

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I guess what I would like to say to you this afternoon is that I hope you would not vote for the indefinite postponement of this amendment, because I would like to vote for this amendment and then vote for the bill as amended.

I am thinking a little bit about something I remember from my childhood when I used to listen to the radio. I used to listen to the series of Doctor Kildare. I recall listening to the part about the Hippocratic oath. I think that is something we really haven't brought up here, about that oath that that doctor takes when he deals with a patient. That is why I have problems with the bill, because it doesn't leave any room for the doctor to make a very important judgement that he has sworn to uphold.

If you would vote for this amendment, and I hope you would vote for the amendment, then myself and people who have my position can vote for the bill. I hope you would do that in the spirit of some kind of compromise. I think that is awfully important. This issue, I think, tears us apart far more often than it should, and that really bothers me. So, once again I hope you seriously consider the amendment so that I can then go ahead and vote for the bill.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Laffin.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: It is hard for me to sit here this afternoon and really believe that a person that has voted against all the good bills that we have had here on abortion, then all of a sudden an amendment comes down the pike and he is then going to turn around and vote for the bill. Well, that tells me something and I am sure it tells the rest of the Members of the House something.

I think all of us in our travels could stand up on the floor of this House and tell some drastic tale of a young boy or a girl. Where was my very good friend Mrs. Beaulieu, when a 7 year-old little girl was brutally murdered by child abuse. I didn't see her then doing much hollering. Well, I will tell you my friends, yes, I am going to be quiet. I am telling you, my friends, that when we get down to the final stages and

start throwing things that are going to weaken the bill, they know we are on the right track. Maine's finest hour is only a short few days away. When all of these bills get downstairs, we know what is going to happen and the State of Maine is finally going to stand up and say, we don't want any more unborn children that are alive to be brutally murdered. That is what we are saying. I am not going to get excited about this I am not going to say anymore about it. That is all I am saying.

I know we have debated this thing, I know it is an emotional issue, but I am telling you, the people of Maine want young babies to live and if we don't see that they live, we will have the wholesale abortions that we have always had. I certainly hope that you would listen very strongly to Mr. Pearson, because what he said, he hit this right on the head.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. Silsby.

Mr. SILSBY: Mr. Speaker, Ladies and Gentlemen of the House: I know this issue has been debated at length. I don't believe, however, that this particular notification bill has been discussed in any great detail. I would like to take you through a few parts of it.

Our committee did a substantial amount of work on the bill and on the committee amendment. We also worked with the representative of the Maine Medical Association for the purpose of arriving at something that would satisfy both the medical profession and satisfy the public at large. We felt that we arrived at such an agreement or compromise on this issue.

With all due respect to the gentlelady from Vassalboro, I believe that House Amendment "A" would effectively destroy the integrity of our committee amendment and I urge you to oppose it.

You know, when we start talking about parental notification and everything, we didn't hatch it up in the State of Maine and we didn't hatch it up in this House. This proposition has been supported by the Supreme Court of the United States.

You have all received the handouts that have been passed around quoting various justices on this particular notification issue. I would just like to reread this one little paragraph which shows what we are talking about. There can be little doubt that the state furthers a constitutionally permissible end by encouraging an unmarried pregnant minor to seek the help and advice of the parents in making the very important decision whether or not to bear a child. That is a grave decision, and a girl of tender years, under emotional stress, may be ill equipped to make it without mature advice and emotional support. Now, that is the Supreme Court of the United States talking whether we like it or not. We have tried to adapt a committee amendment that would lie within the constitutional perimeter and I think we have done that.

There is one area that I would like to mention to you, the definition of minor. As you know, under our law a minor is a person of 18 years or younger. However, you will see in Committee Amendment "A", a minor is defined as a person who is less than 17 years of age. I would like to have you know why that is in there as 17 years of age. It is in there because the Maine Medical Association suggested to us that doctors would have very great difficulty with young girls who had gone off to college who were in their 17th year, approaching 18, and were living apart from their parents but not emancipated. For the purpose of accommodating the profession and making it easier, the committee thought that was a reasonable approach to reduce the age of minority down to 17.

Now, as far as the notification part of the bill is concerned, the physician is required to give actual notice, if he can, within 24 hours of performing the abortion. If he can't give actual notice, he has to give written notice 48 hours before the abortion and also keep a record.

There is an exception. It is just like House Amendment "A", in effect. The exception provides, if in the best clinical judgment of an attending physician the life or health of the minor will be endangered if the abortion is not performed immediately, the notice requirements shall not apply. The person who performs the abortion shall notify actually or in writing one of the parents or guardians of the abortion within 24 hours of that abortion or notify the department of his inability to give notice. Now, that provision deviates from the House amendment which we are looking at now, in that the House Amendment, the physician could make the subjective judgment as to whether to give notice. If he does not want to give a notice, he merely files a statistical report with the Department of Human Services in his next reporting period. However, the committee amendment requires him, in the case of an emergency, to give a notification even after abortion. I see nothing wrong with that and I am sure that most of you don't either.

As I have indicated before, we have worked long and hard on this to accommodate the professional and also meet the needs of the public. I don't believe, really, that we have significantly impaired the physician's right to make a living and I don't believe we have placed a significant burden on the profession. So, I hope you will defeat this amendment and pass the bill.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to reply to some of the remarks that have been made. I think I will work backwards. I will go right from the gentleman who was first on his feet, in his last remarks he dealt with the exception that is in the committee amendment, which is one of the things we are amending with his House Amendment.

He pointed out that it was about the same thing. I submit to you, ladies and gentlemen, it is definitely not the same thing, not the same thing at all, because the implications of the House Amendment are that the parents would not be notified. It is just as simple as that.

If the physician felt the life or health of a minor, as it is stated in the Committee Amendment or as it is stated in the House Amendment, if the health of the minor were to be harmed or impaired, then the Committee Amendment says that the person who performed the abortion shall notify actually or in writing one of the parents or guardians of the abortion within 24 hours of that abortion or notify the department of his inability to give notice. Certainly there is a tremendous difference in the notification requirements between the Committee Amendment and the House Amendment. So, I hope you will not be misled by the remarks of the gentleman and I am sure he did not intend to mislead you.

I would also like to respond to the remarks of the gentleman from Westbrook when he implied that the gentlelady from Portland had no concern for an abused seven year old child. Obviously, that is not correct, absolutely and incontrovertibly not correct. The gentleman from Westbrook is certainly wrong in asserting any such thing or implying any such thing.

I think the gentlelady from Portland has told you a story which is the real world out there, what really goes on, and the need for an exception for the likes of which this Committee Amendment would support.

I am really surprised that the gentleman from Old Town, Mr. Pearson and his seatmate, the gentleman, Mr. Diamond, would talk about barn doors. The impugning of the medical profession under such terminology, it seems to me, would be pretty great.

I would point out to you, as was pointed out by the gentleman from Bangor, Mr. Tarbell, that there are in statute words and language which deal with the word health. The gen-

tleman from Bangor mentioned the state statutes; well, I would like to go a little bit higher than that, and although I question the validity of the value, I should say, of discussing Supreme Court rulings of this body, I do feel as though it is incumbent on me to point out that the word health has been defined.

In Doe versus Bolton and so forth and so forth and I quote, "Whenever an abortion is necessary to professional judgment that may be exercised in the light of all factors, physical, emotional, psychological, familial and age, relevant to the well being of the patient, all these factors may relate to health." I repeat, all these factors may relate to health. It goes on to say that this allows the attending physician through whom he needs to make his best medical judgment.

Now I would like to refer to the amendment. I want you to know that there was great care that went into the drafting of this amendment. I was in on the drafting, as were a lot of other people, and some real hard decisions were made. The key section of the amendment comes right after number four, in the middle of the page, "The exception," it says "if after professional consultation." Now we are talking about what that doctor does as a professional. After professional consultation with the minor, and we are not changing the definition of minor, the definition that the gentleman from Ellsworth described is the minor that is referred to here and that same definition still stands, is still in the committee version—in the medical judgment of the physician—notice the word "medical judgment"—we could have left the word medical out, but then the thing would have been wide open and you could have said, well, you are letting the physician use his moral judgment. So the word medical was put into this specifically so that the physician would be restricted to using his medical judgment. What else do you hire him for? That is what he is there for. Why does anyone go to a doctor but to get his medical judgment. We must remember that he is a professional, a professional called to one of the highest callings there is. I am just a little bit appalled that the gentleman from Old Town would even think to impugn the motives of a physician under these circumstances.

Finally, the word "evidence" is in here. That physician has got to learn from his professional consultation, using his best medical judgment, that there is evidence, ladies and gentlemen, that the notification would result in harm to the health of the minor. Now, that is pretty simple, pretty easy to understand. It pins it down. It doesn't say anything about what the minor might say, the objections that the minor might have. The doctor has got to find 'evidence' in his professional consultation that harm would result from the notification.

You have had examples of that harm described to you. This is a very serious amendment. I would point out that what the gentleman from Ellsworth said about the rest of the bill and why the committee structured it the way they did, the fact that the bill as amended by the committee was to encourage notification. Well, that is just exactly what the bill will continue to do, encourage notification. But it will not require that doctor, against his best medical judgment, after a professional consultation, to take an action which would result in harm to one of his patients, someone who has gone to him for protection and good advice. Can you take that away from the doctor? I think not. I think this is a very reasonable and fair amendment, and if good old Maine common horse sense can ever be applied to this issue, it can be applied with this amendment. I certainly hope you will support it.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. D. Dutremble.

Mr. D. DUTREMBLE: Mr. Speaker, Ladies and Gentlemen of the House: I find problems with this amendment in one place in particular,

and I think Mr. Morton hit it. I don't know if he answered my objections or not. He said that you have to find evidence. Does that mean that there would have to be medical evidence that the child had been abused in the past? How do you judge mental evidence? What kind of evidence do you show as possible mental harm that the child did suffer?

The section that I have the biggest problem with is the part that says "in the medical judgment of the physician." I do have a daughter, and after 15 or 16 years, I have loved that daughter. I have raised her and we have shared problems and we have shared good times. I would think it would not be the medical judgment of the physician but the consultation of this whole abortion thing should be with me or my wife or the parents. I find deep problems with having the physician make such a decision like that.

Representative Silsby talks about a girl being in severe stress during these times, and I can agree with that. But I can also see that the parents of that child will be the ones that are more apt to help her.

If my daughter had the unfortunate experience that she had to come to me and say, I have to have an abortion, the first thing I would try to do is talk her out of it. That is the way I believe, that is what I believe. But if I could not, then I would be able to help her out. I would be able to console her. I think that the mental harm that you could cause to a child by hiding something like this from a close knit family would be as severe. I also think that a girl could make any physician believe that there could be possible harm if they were to let it be known to the parents. It is also possible, this whole time, that all the child is trying to do is protect the mental anguish of the parents.

So, I would hope that we would vote against this amendment.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: In the six terms that I have been in this body, I have never spoken on an abortion bill and I don't intend to speak now. I just want to give you my 11 years of experience in here in observations. Those who are for abortion are speaking in behalf of the amendment and those who are against are speaking against the amendment. I say, why don't we just vote on the amendment.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Ellsworth, Mr. Silsby, has ably explained the bill to which we are putting this amendment, which we haven't discussed before since it went under the hammer on the first reading. He has aroused several questions in my mind and I would like to pose them to either that gentleman or anyone else who would answer.

These question are: (1) are both parents to be informed under the bill? (2) What if the parents are divorced? If so, which parent is informed and if only one parent, who makes the judgment? (3) Did the Committee deal with the question of incest? If a father has caused his daughter to become pregnant and seeks an abortion, is the mother to be informed? Finally, can a past record of child abuse be taken into account by the doctor under the committee's exemption in the Committee Amendment?

The SPEAKER: The gentleman from York, Mr. Rolde, has posed a series of question through the Chair to any member who cares to answer.

The Chair recognizes the gentleman from Ellsworth, Mr. Silsby.

Mr. SILSBY: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry, I didn't get all four questions but I did get the first question and the Committee Amendment provides that the notice will only have to be given to one

parent.

As far as incest is concerned, the doctor is presently under an affirmative obligation to report child abuse and or child neglect, and in the 108th Legislature, we passed a statute, Title 22 Section 3853 and subsequent sections, which provides in part that persons are mandated to report suspected child abuse or neglect. When any medical physician also includes other occupations, without just when any medical physician knows or has reasonable cause to suspect that child has been subjected to abuse of neglect or observes the child being subjected to conditions or circumstances which would reasonably result in abuse or neglect, when such individual is acting in his professional capacity, he shall immediately report or cause a report to be made to the department. So you can see, we already have in our laws a requirement, an affirmative obligation on the physician to report anything when he feels there has been neglect or abuse or there appears that there might be.

I am sorry, I don't recall the other questions but I would be glad to answer them.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: My final question was whether a past record of child abuse could be taken into account by the doctor under the exemption in the committee amendment? Also, now that you have cited the law on child abuse reporting, would the doctor, even in this instance, be required to notify the parents even though he is required under the child abuse statute to report to the department? Would he also have to make this notification to the parents?

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. Silsby.

Mr. SILSBY: Mr. Speaker, Ladies and Gentlemen of the House: In answer to Mr. Rolde's question, I believe he would still have to give the notice, although he would also have to give a notice to the Department of Human Services.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I was in back of the hall and I think I heard the gentleman, my good friend from Farmington, Mr. Morton, say that he helped write this amendment. I may be wrong, but I thought I heard that comment. I thought this amendment had been pretty much drafted by a young lobbyist from the Maine Medical Association. Is that correct or isn't it? I would ask anyone that might be able to answer that, please.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, poses a question through the Chair to anyone who may care to respond.

The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: As I said before, the amendment that is here on the floor of the House this afternoon was drafted by several people and I had a great deal to do with it.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mrs. Huber.

Mrs. HUBER: Mr. Speaker and Members of the House: I think you probably know how I feel about abortion in general and certainly this bill is not one that pleases me. However, I rise today not to deal with abortions, because the amendment, which I hope we will restrict our remarks to, does not deal with abortion, it deals with the potential of child abuse.

The gentleman from York, Mr. Rolde, made the point extremely well when he elicited the response from Mr. Silsby that in fact if child abuse was apparent, the physician would be required to inform not only the Department of Human Services, but those who were abusing the child.

Mr. Silsby's remarks bothered me considerably or I wouldn't have gotten to my feet. He

spoke of satisfying the medical profession and the public at large.

I would submit to you that somebody very important has been left out, that is the pregnant young woman. He also stated that the state should encourage communication between the pregnant young woman and her parents. I would certainly agree with that. For what it is worth, I have three daughters and I would want to know.

However, this bill does more. Mr. Morton might forgive me but this does more than encourage, it requires, without the amendment, that the parents be notified and the amendment, to me, is the crux of this problem.

I happen to believe in a woman's right to an abortion in the first three months of her pregnancy without the interference of anyone. However, this bill infringes on that and what is worse, it allows a potential case of child abuse to happen with the encouragement of this legislature. That is more than I can take and that is more than I will be responsible for.

I can only commend the gentlelady for her amendment. It speaks directly to a problem. I guess I would say I will live with the amendment if it is amended, but by itself, it does not answer this equally important question, that of health and safety of all our children, and I wish the committee had considered them when they wrote the amendment.

Mr. Doukas of Portland moved the previous question.

The SPEAKER: For the Chair to entertain a motion for the previous question, it must have the expressed desire of one-third of the members present and voting. All those in favor of the Chair entertaining the motion for the previous question will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one-third of the members present having voted for the motion for the previous question, the previous question was entertained.

The SPEAKER: The question now before the House is, shall the main question be put now? This is debatable with a time limit of five minutes by any one member. Is it the pleasure of the House that the main question be put now?

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: I object to putting the main question now. As much as I have my own feeling about the bill and the contents and I haven't spoken on the abortion bills yet, I have held myself back very strongly but I do wish, even if the opponents don't agree with us and don't see the way we do, I think as before, as I always have objected to putting the main question now.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I do not intend myself to speak in this issue but I think it is very important to everyone in this House and I think everyone should be given a chance to have their say this afternoon. So, I would hope you would defeat the motion for the previous question.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Doukas.

Mr. DOUKAS: Mr. Speaker, Ladies and Gentlemen of the House: I have a lot of patience and I hardly ever get up to say that much, but in the past couple of days I have heard everything I ever wanted to know about abortions and anti-abortion and the whole thing. And I came in here and I am going out with same things that I had in mind when I came in. Nothing anybody has said has really dissuaded me one way or the other. Maybe I have learned a few things, but I think that is true of 99 percent of the people in here. I would like to get to some other business.

The SPEAKER: The pending question now is, shall the main question be put now? All those in favor of the main question being put

now will vote yes: those opposed will vote no. A vote of the House was taken.

44 having voted in the affirmative and 54 in the negative, the main question was ordered.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Simon.

Mr. SIMON: Mr. Speaker, Ladies and Gentlemen of the House: Thank you, Mr. Speaker, and I would like to thank the majority of those who voted on this issue who perhaps have an open mind on some aspects of the issue and who are willing to listen a little bit longer to people who have given it a lot of thought. I would like to address myself specifically to the comments of the gentlelady from Falmouth, Mrs. Huber. I think she has raised an excellent point with respect to this bill. That point is the interaction between the problem of minor's abortions and child abuse.

If there is a problem of child abuse in a family, that will have preceded the pregnancy and it will go on if there were no pregnancy. It was a feeling of the majority of the committee that we should treat that or punish that and not use secret abortion as a quick fix.

We had a very fine hearing yesterday afternoon at which three bills on domestic violence were presented. The gentlelady from Waterville, Mrs. Kany, the gentlelady from Portland, Mrs. Nelson, and two fine representatives with the Department of Human Services explained to us the theories of dealing with domestic violence that represent the state of the art in this area in this country today. The key to that state of the art is treating the family as a unit and not using quick fixes or bandaid approaches as an easy out and as a means of avoiding the overall problem.

The Department of Human Services can afford the emergency shelter by means of an ex parte court order, a court order issued without adversary proceedings, without the knowledge of the parent, to protect a minor who a physician believes to be in danger as the result of an abusive home situation. In other words, if a girl, who has become pregnant and seeks an abortion and believes that she will be abused if she has the abortion, and if her parents are notified, if this sad situation arises, then we have laws on the books to protect that girl, and those laws will be enforced.

I respect the gentlelady from Vassalboro, Mrs. Mitchell. From the bottom of my heart, I know she is trying to address this problem in good faith. I appreciate the energetic efforts of the gentleman from Farmington, Mr. Morton, in helping draft this amendment, but I really don't think that this amendment, which would gut the bill, is the right answer to the problems of domestic violence.

Domestic violence is a terrible and complex situation, but if we don't treat the family as a whole, if we don't recognize that a give mother may not be a wonderful mother, but she is still that girl's mother, then we are burying our head in the sand. And for that reason, Mr. Speaker, I hope that you will vote to indefinitely postpone the present amendment.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Gillis.

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: As the good gentleman from Ellsworth outlined, the notification of a parent that his or her child is about to have an abortion is recognized by the Supreme Court. To deny this notification to a parent is, in my estimation, the denial of the existence of the sanctity of the home, it is there. If your child was going to have an abortion, wouldn't you want to know about it? I know I would. Please vote against this amendment.

The SPEAKER: The Chair recognizes the gentleman from Brooklin, Mr. Bowden.

Mr. BOWDEN: Mr. Speaker, Ladies and Gentlemen of the House: I hadn't intended to get up like some of you, but I have got to respond to what Mr. Gillis said. I think there are times when, as far as the sanctity of the home

is concerned, it has been destroyed by the parents already. I don't think there is any sanctity.

I have two little girls who are growing up much too rapidly for me, and I hope and pray that they never find themselves in the situation this bill seeks to address. I certainly would want to know and be able to share whatever problems they have.

I think it is as plain as the nose on anybody's face that there are times when parental notification in a situation like this would just plain be disastrous.

The SPEAKER: The Chair recognizes the gentleman from Fort Kent, Mr. Barry.

Mr. BARRY: Mr. Speaker, Ladies and Gentlemen of the House: It is rather interesting to listen to the debate. I would like to possibly address some comments to the gentleman from Farmington, Mr. Morton, who stressed professional judgment of a medical doctor. I would find that pretty fascinating to judge the professional qualifications and judgment of the doctor in the case of an abortion clinic in South Portland, in the State of Maine, whether or not that judgment would prevail towards the parents or towards the person having the abortion, or whether or not that would be a neutral professional judgment. That is a question, I guess.

The SPEAKER: The Gentleman from Fort Kent, Mr. Barry, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, the good gentleman certainly has his right to his opinion of the profession of medicine. I can't argue with that, but it is his opinion and I think we certainly have found that the body of professionalism that is embodied by the medical profession is the very highest, and I see very few instances where this particular sort of a thing would be breached.

You are never going to have perfection, ladies and gentleman. If you did have perfection, the young lady wouldn't be pregnant in the first place. She probably didn't want to be, probably didn't intend to be, probably had no intention of her parents ever knowing that she was sexually active, but the fact remains, that is the situation that she is faced with. But that really hasn't anything to do with this bill or this amendment, despite the very learned remarks of the gentleman from Lewiston, Mr. Simon.

A great debating tactic is to talk about something else when you don't want to talk about what the subject is. So he put a pretty good dissertation before you about child abuse. Child abuse isn't mentioned in this amendment anywhere nor is it mentioned in the committee amendment. This amendment deals with harm to the health of the minor, and the judge of that harm to the health of the minor, no matter what it may be, is a position after a professional consultation, and it is confined to his medical judgment. That is all we are talking about. Anything else that you bring into the argument is extraneous and intended to confuse.

I understand the feelings of those who would not wish to have something of this nature kept from them, and I am sure that those who are standing here and saying that would be most supportive. Unfortunately, they do not necessarily represent what goes on out there in the real world. So, I urge you to give these doctors, and that is what this amendment addresses itself to, these doctors the opportunity to make their professional judgment. It is all the amendment asks for.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mrs. Nelson.

Mrs. NELSON: Mr. Speaker Men and Women of the House: I will be very brief. In response to Representative Simon talking about the Department of Human Services, don't count on them to come immediately to the aid of this young woman, because it will depend on the Watts line, who answers the phone, and how fast that person can get to the aid. I called the

Department of Human Services and asked that very question, so don't rely on the Department of Human Services to come and help this young lady before she gets to her home or after.

Also, one thing struck me. You know, what if you were a young woman, where you find yourself in the position to have an abortion, and Mr. Dutremble were your father, and what if Mr. Laffin were your father?

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Cloutier.

Mr. CLOUTIER: Mr. Speaker, Ladies and Gentlemen of the House: I find it quite difficult to get up and speak against the good woman from Vassalboro, Mrs. Mitchell, but I also feel that we are getting off the subject. The subject is that this amendment will water this bill down so bad that it will give the jurisdiction to the doctor who performs abortions to make a decision. I think it would totally wipe out the clear intent of the bill.

I don't know how much validity you can place on a doctor who performs abortions. I guess a lot of people could place a lot and other people could place a little, but I know from the neighborhood that I grew up in, child beating occurred almost every day. It didn't only occur because the daughter was pregnant.

And as far as incest is concerned, I think that a parent, if he were the only parent, as long as that had to be reported to the Department of mental Health, then that man would have to be taken care of, because it would not only be known by his daughter and himself, it would be known by the people who could take care of the problem.

I have here 24 cases where girls have died with legal abortions being performed upon them, and I would like to read just a few. An 18 year-old girl died on June 14, 1977, a few hours after undergoing a legal abortion in an abortion clinic. Autopsy revealed the cause of the death to be a hemorrhage from a ruptured uterus. Fetal parts were still present in uterus, including fragments of skull and vertebral column. A teenager died in the back seat of an automobile while being rushed to hospital near her home after having fainted in her bathroom a few hours after the abortion. A 14-year old, 22 weeks pregnant, underwent saline abortion. She continued to bleed heavily after delivery. Multiple sharp curettages were performed during which the uterus and bowel were perforated internally, torn. The patient died of peritonitis in septicemia 22 days after the saline abortion. Another 19-year old teenager, 10 weeks pregnant, died because of recurring convulsions and postoperatively expired.

I am not going to read through a lot, but I did think that this was pretty important and everybody should understand. According to documented reports, many teenage girls undergo the abortion operation needlessly, as they were never pregnant to begin with, and this following case report illustrates this. An 18-year-old female underwent suction curettage for the suspected pregnancy of 8 weeks duration. She committed suicide 3 days after the procedure, having expressed guilt about having killed her baby. There had been no pregnancy tissue in the suction specimen but the patient was never told this.

Ladies and gentlemen, I understand what everybody here is trying to do today and I can sympathize but I can't agree. Whether or not the woman involved, or the young teenager involved, or if she does not have that parental notification, this bill is no good, and I will give you an example of a girl who we have instructed in class, my wife and I, and she came to us, a 13-year old girl, she was pregnant. She came to us before she went to her parents and we tried to help her out. But she had such guilt feelings, she told her parents. I know you are going to think this is great to debate against, but I want to tell you the reason why. Her parents made her have an abortion when she wanted to have that child. And I guess the

reason I stood up to talk on it is a reason nobody else had talked about yet, and that is that the parents need to be informed more so than the children do, and if a child feels that she is going to be beaten when she goes home to tell her parents, or if the doctor is notified, then I think, under due process of the law, somebody should be there with that child when this occurs.

Parental beating will take place anyway, I have seen it, I am sure you all have seen it in your lives but, ladies and gentlemen, don't be misled, that is not the real reason the people who have talked on this bill, and I respect them very highly, but some of the people, even some of the people who drew up the amendment on this bill, have been voting against this issue. It is an out, and I hope that you will vote against the amendment.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one-fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Westbrook, Mr. Carrier, that House Amendment "A" to Committee Amendment "A" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Barry, Berube, Blodgett, Bordeaux, Boudreau, Brodeur, Brown, A.; Brown, K. C.; Call, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Cloutier, Conary, Cunningham, Damren, Diamond, Drinkwater, Dutremble, D.; Elias, Fenlason, Gillis, Gould, Gray, Gwadnosky, Hanson, Hickey, Hobbins, Hunter, Jacques, P.; Jalbert, Joyce, Kane, Kelleher, Laffin, Lancaster, LaPlante, Leighton, Lizotte, Lougee, Mahany, Marshall, Martin, A.; Matthews, McHenry, McPherson, McSweeney, Michael, Nadeau, Nelson, A.; Nelson, N.; Paradis, Paul, Pearson, Peterson, Prescott, Rollins, Silsby, Simon, Smith, Soulas, Strout, Studley, Theriault, Tuttle, Violette, Wyman, The Speaker.

NAY — Aloupis, Baker, Beaulieu, Benoit, Berry, Birt, Bowden, Brannigan, Brenerman, Brown, K.L.; Connolly, Cox, Davies, Davis, Dellert, Doukas, Dow, Fillmore, Garsoe, Gavett, Gowen, Hall, Higgins, Howe, Huber, Hughes, Hutchings, Jackson, Kany, Kiesman, Leonard, Lewis, Locke, Lowe, Lund, MacBride, MacEachern, Masterman, Masterton, Maxwell, McKean, Mitchell, Morton, Nelson, M.; Norris, Payne, Peltier, Post, Reeves, J.; Reeves, P.; Rolde, Sewall, Small, Sprowl, Stetson, Tarbell, Tierney, Torrey, Tozier, Vose, Wentworth, Wood.

ABSENT — Bachrach, Bunker, Curtis, Dexter, Dudley, Dutremble, L.; Fowlie, Immonen, Jacques, E.; McMahon, Roope, Sherburne, Stover, Twitchell, Vincent, Whittemore. Yes, 73; No, 62; Absent, 16.

The SPEAKER: Seventy-three having voted in the affirmative and sixty-two in the negative, with sixteen being absent, the motion does prevail.

Thereupon, Committee Amendment "A" was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" in concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

Bill "An Act to Increase the License Fees of the Master, Journeyman and Apprentice Oil Burner Man" (H. P. 1420) (L. D. 1623) which was tabled and later today assigned pending the motion of Mr. Birt of East Millinocket to

recede and concur.

Thereupon, the House voted to recede and concur.

The Chair laid before the house the following matter:

Bill "An Act to Establish Special Retirement Provisions for CETA Employees" (Emergency) (S. P. 268) (L. D. 809) (C. "A" S-201) which was tabled and later today assigned pending passage to be engrossed.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, I would like to move indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mrs. Nelson.

Mrs. NELSON: Mr. Speaker, I ask that this be tabled for one legislative day.

Whereupon, Mrs. Berube of Lewiston requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mrs. Nelson, that this matter be tabled pending the motion of Mrs. Berube of Lewiston to indefinitely postpone and tomorrow assigned. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

27 having voted in the affirmative and 80 having voted in the negative, the motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Paul.

Mr. PAUL: Mr. Speaker and Members of the House: I do hope this afternoon you will support the good gentleman in her motion to indefinitely postpone.

As I sat on the committee and listened to this bill, I began to realize all the far-reaching implications this bill had.

This bill is designed to require the CETA employees be included under the Maine State Retirement System.

I realize we have a lot of business left, but I would like to take a few minutes of your time to explain to you why I am against this bill.

Let's consider the nature of the jobs, first of all, for these CETA employees. The law itself defines CETA employees as limited period employees. Most of you realize that most of these people are only working, for example, under a summer job program, maybe nine weeks. Some of them are in the potato fields in Aroostook County, some are taking classes. The point is, I believe a lot of these people that are CETA employees don't want this because, as the statistics indicate, 94 percent of the people enrolled in CETA are economically disadvantaged people. They need that money every week. They don't want to pay into the Retirement System. They can't afford that additional education.

Consider the cost to the employers as well. local businesses would have a hardship placed on them, the counties would have a hardship placed on them, because while awaiting reimbursement of these funds, which hopefully come, they have to put up the money, the county would have to raise by taxation their share of what would be considered the employer's contribution, and I submit it would be a hardship on many people.

The employer would have to wait, in the event the employee terminated his employment, for a period of time to be reimbursed for his contribution, and, again, I think that would be a hardship.

Finally, I would submit that this is counterproductive because, in my judgment, this bill would discourage employers from hiring people under CETA, because they would have this additional cost. They would have to pay the retirement benefit in addition to what they are paying now. Under workmen's comp they are required, in some instances, to pay health insurance, and I submit that this would discour-

age employers, it would be counterproductive to the whole CETA intent.

I think this bill might also have the effect of reducing the number of CETA jobs in the state because while the federal legislature debates monies to be allocated to the states under CETA, they have to consider the overall costs of the program, and certainly this is a cost, this retirement aspect would be an additional cost. When the federal legislature decides how much would go to the individual states, they are apt to be more concerned about x-number of dollars and not so much the number of jobs.

I would hope that before you vote on this bill, and I would request a division, you would think about the far-reaching implications of this bill.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mrs. Nelson.

Mrs. NELSON: Mr. Speaker and Members of the House: First of all, I would like to clarify some things. It is a cost to neither the state nor to the county nor to the city, the prime employer, the prime sponsor.

From the very beginning of CETA, in July of 1974, CETA enrollees were required to belong to the Retirement System, just as regular employees are required to belong, except that CETA funds from the enrollees prime sponsors, not the state or local money, who used to pay the employer contributions—let me first say this. We are not here to debate, it seems to me, the character or the quality of CETA positions, and what CETA is or isn't, that is not at hand. I know people bring different feelings to CETA. This is a program, supposedly, at this point, the hope is that people who are on CETA will, indeed, get full-time employment, not part-time employment, and in an effort to make the CETA program palatable, they have to have the same requirements for CETA full-time employees as regular full-time employees.

If you are a CETA employee in a city, all the other employees in your office belong to a retirement system and because you are a CETA employee, you do not, this would allow you to have that right to belong to the Retirement System.

Federal government has come up with rules and regulations for this program and has asked the individual states to comply with them; that is why the bill was introduced, so that those people who are on CETA programs, employed full time by a county, by the city or by the state, can belong to a retirement system. Right now, a CETA employee could, in fact, work for over 10 years and leave the job or retire or become disabled on the job and not receive any payment. But the same person doing the same job right next to them, who is not a CETA employee, would receive all the benefits that he was entitled to. This is to allow those CETA employees to join the system that everybody else belongs to in the same office they are working.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mrs. Berube, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

82 having voted in the affirmative and 10 having voted in the negative, the motion did prevail.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, I would like to move reconsideration and I hope that you all vote against me.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mrs. Nelson.

Mrs. NELSON: Mr. Speaker, I would request a division. I could see by the vote and all those beautiful green lights that this isn't going far.

I don't think you really understand if you are voting because you don't want people to become part of the State Retirement System or