

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Sixteenth Legislature
OF THE
State Of Maine

VOLUME I

FIRST REGULAR SESSION

House of Representatives
December 2, 1992 to May 13, 1993

"A" (H-123)

(H.P. 141) (L.D. 186) Bill "An Act to Retain the Federal Demonstration Grant Funding the Maine Health Program" Committee on **Banking and Insurance** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-124) (Senator KIEFFER of Aroostook - of the Senate - Abstained, Representative CARLETON of Wells - of the House - Abstained, Representative KUTASI of Bridgton - of the House - Abstained)

(H.P. 270) (L.D. 348) Bill "An Act to Define Composting Operations as Agricultural Activities for Environmental Purposes" Committee on **Energy and Natural Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-127)

(H.P. 301) (L.D. 389) Bill "An Act to Amend the Laws Relating to Financial Institution Service Corporations" Committee on **Banking and Insurance** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-131)

(H.P. 459) (L.D. 585) Bill "An Act to Further Clarify Appellate Procedures under the Public Sector Labor Laws" Committee on **Labor** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-133)

There being no objections, the above items were ordered to appear on the Consent Calendar of Monday, April 12, 1993, under the listing of Second Day.

CONSENT CALENDAR

Second Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the Second Day:

(S.P. 150) (L.D. 482) Bill "An Act to Provide an Adequate Period for the Adoption of Local Ordinances" (C. "A" S-53)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was Passed to be Engrossed as Amended in concurrence.

(H.P. 149) (L.D. 201) Bill "An Act to Establish a Statute of Limitations for Claims against Titles to Property Acquired for Nonpayment of Taxes" (C. "A" H-111)

On motion of Representative Paradis of Augusta, was removed from the Consent Calendar, Second Day. Subsequently, the Committee Report was read and accepted, the Bill read once.

Committee Amendment "A" (H-111) was read by the Clerk and adopted and the bill assigned for second reading Monday, April 12, 1993.

(H.P. 721) (L.D. 980) Bill "An Act to Correct the Boundary Description of the Town of Long Island"

No objections having been noted at the end of the Second Legislative Day, the House Paper was Passed to be Engrossed and sent up for concurrence.

ENACTOR

Emergency Measure

Tabled and Assigned

Resolve, Creating the Kennebec County Law Enforcement Examination Commission (H.P. 365) (L.D. 468) (C. "A" H-68)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative Paradis of Augusta, tabled pending final passage and specially assigned for Monday, April 12, 1993.

PASSED TO BE ENACTED

An Act to Amend the Laws Concerning Transfers of Commercial Moorings (S.P. 166) (L.D. 558) (S. "A" S-51)

An Act Regarding Motorized Wheelchairs (H.P. 202) (L.D. 264) (H. "A" H-91 to C. "B" H-52)

An Act to Repeal the Mandatory First-aid Requirement for Licensed Maine Guides (H.P. 248) (L.D. 327) (C. "A" H-76)

An Act Relating to Interspousal Immunity (H.P. 258) (L.D. 336)

Were reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Protect Reproductive Privacy in Maine (S.P. 117) (L.D. 318) (Governor's Bill)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Pouliot.

Representative POULIOT: Mr. Speaker, Ladies and Gentlemen of the House: I move that this bill and all accompanying papers be indefinitely postponed.

I feel if I did not make this last appeal, I could not rest with my inner self. I can accept defeat gracefully and have nothing but respect for each and all of you on whatever decision you have undertaken. That is your decision as an elected official of this body.

I personally feel we are eroding the basic fibers of family life. What message do we say to all the parents — yes, I know there are bad parents, there

are parents who have caused incest, there are parents who have caused other problems, there are parents who are alcoholic, but does this mean that we must take a paint brush and with one swoop paint all parenthood?

I ask you while I speak to you today to reflect on your family life growing up. Was it perfect? Maybe no. Were you confronted by problems? Maybe yes and many other things but the one thing you had to fall back on were the family values. That is why parental consent means so much to me. The reasons for my feelings is because I am a parent and very proud of it. I have never taken my responsibilities lightly. Raising my daughter has been the most beautiful experience of my life.

The reason I am asking for postponement of this bill is because I really feel deep down that we are moving a little too fast. I know what my constituency thinks and I think I know what a lot of the people of the State of Maine thinks.

I would like to pose a question through the Chair, Mr. Speaker.

To Representative Plowman — the other day in your statements on the floor, you mentioned the procedure of D&X, would you please explain this procedure?

The SPEAKER: The Representative from Lewiston, Representative Pouliot, has posed a question through the Chair to the Representative from Hampden, Representative Plowman, who may respond if she so desires.

The Chair recognizes that Representative.

Representative PLOWMAN: Mr. Speaker, Men and Women of the House: Because this was one of the most difficult aspects of the testimony and things presented to the Judiciary Committee, I would like to defer the question to another member of the body.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I will try to describe what a D&X does. It was described in detail by Dr. Martin Haskell at a September 13, 1992 "Risk Management Seminar" sponsored by the National Abortion Federation, which is a trade association of the largest abortion facility in the country.

Dr. Haskell operates abortions and he told this seminar that he had performed 700 of these techniques. D&X stands for "Dilation and Extraction." The X is used instead of E to distinguish it from D&E, which is dilation and evacuation.

Haskell said that he routinely performed this procedure on all patients 20 to 24 weeks. He also said that he performed D&X abortions on selected patients in their 25th through the 26th week, which is certainly at, or even past, viability. According to Haskell, a Dr. James McMahon performs such abortions up to 32 weeks, which is certainly past viability and many babies live at that point.

To put the size of an unborn child in the right perspective here, Haskell is aborting babies who weigh about a pound, are approximately 8 inches in length, (measuring from the top of their head to the bottom of the rump) with feet roughly 1 inch to 1 1/2 inch in length.

Haskell developed this method himself because he found that the D&E method, which dismembers the unborn child in the uterus, was difficult due to the toughness of fetal tissues. In order to do this, the opening of the woman's cervix must be greatly

enlarged. A D&X abortion requires three days. The first two days are used to dilate the woman's cervix through the use laminaria. These are cylindrical shaped or tapered devices which are inserted into the cervix and which gradually increases in diameter as they absorb water. During the abortion procedure, he uses ultra-sound to identify how the unborn child is oriented in the uterus. Having located an "extremity," he inserts a forceps through the vagina and cervical canal into the uterus and grasps the baby's legs. He has to do that in order to turn that baby so that the baby.....

The SPEAKER: The Chair recognizes the Representative from Blue Hill, Representative Walker.

Representative WALKER: Mr. Speaker a point of order? I would like to know the germaness of this discussion to the bill — to the motion to indefinitely postpone.

The SPEAKER: The Chair would advise the Representative that the pending motion is to indefinitely postpone the piece of legislation before us. The debate that the Representative from Berwick is presently discussing deals with the question and it is a matter of degree.

The Chair is not in a position to determine the propriety of it since I am not a physician. I would merely suggest because, as you know, the Chair has cleared the gallery of the young children that were there. I would simply ask the members to remember that it is not necessarily perhaps described in detail if people do not know what the procedures are. Perhaps I would suggest that they contact their own physician.

Therefore, the Chair would have to simply request that the debate be somewhat more limited in its content but the Chair has to give the floor back to the Representative from Berwick, Representative Murphy.

The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative MURPHY: Thank you for clearing the children out. I certainly would not want my grandchildren at that age to listen to this.

At this point, the baby is oriented feet first and face down and extracted from the mother to the point of the base of the baby's head. All of the body is outside of the uterus except for the head, and in all likelihood, this child is still alive.....

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: A parliamentary inquiry? Mr. Speaker, I am unaware of the formal terms of my inquiry but I find this debate objectionable and I would ask that it not be as descriptive. I almost find it indecent, we do not ask about other medical procedures, we do not ask about pregnancies and vasectomies, we don't ask about any other type of medical operations.

The SPEAKER: The Chair understands the Representative from Waterville, Representative Joseph. However, the matter is under debate and as long as improper words are not used or not found in the vocabulary, the Chair has no basis upon which to rule that it is not germane to the issue. The Chair has already made a point and the Chair would ask the members to kindly watch what they say but the issue is before us and the Chair must let the Representative from Berwick continue the discussion.

The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: At this point, the doctor slides his hand up to the base of the baby's brain and with a pair of scissors, he punches that so that may suction out the brain of that child. This is not a pretty picture, I will be the first one to agree to that, but these are the facts that are happening out there to these children. I think we ought to take a second look and see what's going on.

In my own personal opinion, it is murder.

The SPEAKER: The Chair recognizes the Representative from Rome, Representative Tracy.

Representative TRACY: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you oppose the indefinite postponement of this bill. It has been debated many, many times. Our minds are all made up and I think at this time we are not going to change anybody's vote on this. I think it is time that we laid this to rest and send it out of here and send it down to the other body.

While I am on my feet, Mr. Speaker, I would request the yeas and nays when the vote is taken.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Townsend.

Representative TOWNSEND: Mr. Speaker, Men and Women of the House: I, too, am a parent and proud of it. I would ask other members of this body not to cloak their arguments in the mantle of parenthood.

I would also comment that we debated this issue fully on Tuesday, we conducted ourselves with decorum, we managed to get through the day with as much politeness and restraints as we possibly could. I am severely disappointed that we have stooped to the level of emotionalism and graphic descriptions to try to change a vote which was decided by a significant margin.

I will be voting against the indefinite postponement of this bill and I would urge others to join me.

The SPEAKER: The Chair recognizes the Representative from Eastport, Representative Townsend.

Representative TOWNSEND: Mr. Speaker, Men and Women of the House: I, too, thought that this issue had been debated in a full manner the other day and thought it had been decided. I have been here long enough to know that nothing is in cement.

However, the description, no matter how disgusting it was, is beside the point. As a matter of fact, if anyone has a desire we could stay here all day and we could describe every medical procedure associated with this that you would want to, but it is still beside the point.

What we are attempting to do here with this amendment is we are attempting to legislate good parenting, good family — that isn't going to happen. If you have a daughter, or a son for that matter, that gets in trouble in this life and comes to you, then you can be pretty sure that you have done a pretty good job with your children. If your daughter or son goes elsewhere out of fear or what have you, don't blame the child, that's not going to change anything. We are not going to change any family function with this bill. I am a parent, I am very proud of it. I am very secure in the way I raised Jennifer and I have not been perfect and I don't want anyone to get that impression. However, if she does not come to me with a problem, I don't care what the problem is, if she does not come to me, then I will blame me, no one else. The government isn't going to change that, laws aren't going to

change that.

This is very disturbing here this morning and it is probably more disturbing, not so much for its graphic description, but the fact that it is beside the point. It is a round about way to change a decision that an overwhelming majority of this body made the other day. I would ask those folks who voted to protect the families of this state to stick by their guns and vote against this motion.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Coffman.

Representative COFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: I will try not to get emotional. A couple of people said that I was almost getting there the day before yesterday.

I am troubled here with some of the things that I have heard stated just recently, one of them being that we should not ask about a procedure like this. When we were in this House dealing with this subject matter the other day, we voted against amendments, against bills that would have provided information. That really troubles me. I think we should get all the information we can to base our decisions on and I will vote for the indefinite postponement of this because I would like all the information and I think everyone here is entitled to have all the information. A radical procedure such as D&X, to me, does kill a child and that information should be on everybody's desk. You should base your decisions and your vote on all the information that you can get.

This specifically refers to House Amendment "D", which this body defeated. House Amendment "D", for any who don't remember which one that is since there were so many of them, adds to current state policy concerning abortions, that an abortion performed after viability must be performed in such a manner as to prevent the death of the unborn fetus. A second pediatric physician must attend the physician performing the abortion.....

The SPEAKER: The Chair would caution the gentleman from Old Town that the question is on indefinite postponement of the bill. That amendment is no longer before this body, having been defeated by this body. The only question before us now is on the motion to indefinitely postpone the bill as it is in its present state, L.D. 318.

The Representative may proceed.

Representative COFFMAN: Thank you, Mr. Speaker. I am still troubled that we are making decisions in here and withholding information or choosing not to look at certain pieces of information.

I would like to just speak for a moment from my heart and why I have the viewpoints that I do on this subject matter. As I have stated before, I came down here as a "choice" legislator. I told everyone that I would not interfere with a woman's right to choose but that does not mean total, unrestricted abortions. Why do I have my own personal point of view which differs (actually it doesn't differ) — my choice would be not to have an abortion because it wasn't that many years ago when I was up in Lagrange, I had a 10 acre farm, and I farmed organically. I grew plants, all open pollinated seed varieties, not hybrid seeds, I tried to keep as much in tune with nature as I could. I studied endless volumes of books on growing plants, figuring that if I was to find out how things work, how our Creator, our God, has made things, I would find out through nature because it is His nature or Her nature, however you look at that. I grew a field of wheat and in

researching through these volumes, I had a dawning, I saw that every grain, every kernel that is produced in nature, has a different program in it. It answers different needs, it answers different climate conditions, every seed reacts differently to every different virus, to every disease that is out there — every single kernel, every single seed in that field that I planted was programmed with a specific need. It is just like salmon fishing or the salmon runs. When things were in its natural state, the salmon went up, say, the Columbia River and the different salmon went through different tributaries, different rivers that ran into the Columbia, different streams that ran into those rivers and if there was an illness or a sickness, virus or something that attacked the salmon, it would not wipe out the entire salmon population. Why? Because they were all different. Every time a group of salmon would come from a certain tributary or a certain stream, they were all different than all the other ones.

We are created the same way. Every single one of us are created to answer the needs of today. Everyone of us. It doesn't matter if that one of us is retarded or flawed in some way, I think we can safely admit that we are all flawed in some way and who is to be the judge here? Who is to be the judge? I know of only one judge sufficient to decide who should be here and who shouldn't. I think that this bill and the importance of it is dealing with that subject matter. Mankind is now putting themselves in that position of usurping that authority from our Creator.

This procedure that has been referred to is going over those bounds of aborting a fetus. This is murdering a child. I am sorry, but as someone who would support a woman's right to choose, I cannot, in all conscience, live with myself (and that is who I have to live with, that is who I have to look in the mirror at every morning) without stating publicly that I believe if we pass this bill, we are opening the door to murder.

I have asked that literature be distributed, one page, showing what this procedure is and, through a technicality, it is not on your desks because I did not denote that it was printed at my request. I apologize for that but I think that is information that should come to each and every one of you.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Dore.

Representative DORE: Mr. Speaker, Men and Women of the House: I would like to comment on Representative Coffman's speech. Early in his speech, he indicated that he was pro-choice and that he ran as a pro-choice Representative.

I have many people on the other side of this issue for me and I respect their position and they have conducted themselves with dignity. It has been painful for all of us, as this issue always will be. We are divided on this issue but Representative Coffman disturbs me because for him to state that he ran as a pro-choice candidate, given the nature of the speeches he has made in the past few days, that he deceived his constituency. Of that I am ashamed. I have run as a pro-choice candidate through four elections now and many of my constituents are on the other side of the issue but I have never hidden from them and I have always made public statements about where I stood on this issue and my rationale for it. Even when they disagreed with me, they have been able

to respect me.

Representative Pouliot has run as a pro-life candidate. He has never hidden from his constituency his stand on this position and even when constituents disagree with him, they respect him because of his candor on his position. What I am ashamed of....

The SPEAKER: The Chair would caution the Representative from Auburn not to question how someone ran or why they ran the way they did or what they did or whatever. The matter before us is only on the question of indefinite postponement and nothing else.

Representative DORE: Mr. Speaker, I apologize. Having his comments on the Record made it necessary for me to put mine on the Record.

The process that we have been through this morning, the descriptions that we have been through, are unnecessary for some of us and perhaps necessary for others. I would like to state, however, that I am not aware of circumstances under which someone late in the second trimester chooses to go through a difficult choice like that one in a cavalier fashion and that is why I continue to be pro-choice. It is a private matter, it is a private anguish and it is a desperate situation, usually involving severe medical problems that force someone to make that kind of decision late in a pregnancy. We do not belong as judge and jury of their rationale for making those decisions. Those are not easy decisions for people to make and they are not made in a cavalier fashion. Thank you, ladies and gentlemen.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Men and Women of the House: I, myself, will support the motion to indefinitely postpone. I feel in its present form that we have gone beyond the right of a woman to choose. When we decided to take the parental consent out of the bill, that is when I said I couldn't go along with it. Not only are we saying the right of a woman to choose, that we've decided, I am not questioning that anymore, what I do question is that they are now saying that besides that, we are taking the right of the parents to decide on their minor children.

I think one of the most difficult tasks that could be placed on the shoulders of a man and a woman is to raise children. Children can be a great help, a great blessing, but it also can bring heartaches. I raised four the best I could. Unfortunately, the Almighty said that one of them I must take away from you. I am not questioning that. As I have said before, anyone that doesn't have any children sometimes can consider themselves fortunate. They do not have the heartaches that may come with it. But, in its present form, I cannot support it. I don't like the idea under the guise of protecting a woman's right to choose that you also take my rights away to determine whether or not I will have anything to say about a minor daughter.

I have finished, Mr. Speaker. Unfortunately, I agree that everybody has a right to speak. Everybody has been saying that it is a woman's right to choose — it is also everybody's right to choose in this body, if you wish to speak, you are allowed to speak without somebody waiting to jump up or interrupt when you are speaking. That is something that should not be allowed. I know the Speaker has been very strict on that. I have sat here and not interrupted anyone but I should have at least the right to say thank you

and sit down before somebody else pops up to speak. I know that it is the trait of some people and I have seen that all my life, that when somebody disagrees with you, don't let them finish. They might say something that makes sense. I am saying at this time that I agree and I will accept the fact that this body has overwhelmingly decided that it is a woman's right to choose but please give me the right to choose what I want to say and why I am against, in its present form, taking my rights away to determine how I shall raise my children.

The SPEAKER: The Chair recognizes the Representative from Canaan, Representative Townsend.

Representative TOWNSEND: Mr. Speaker, Ladies and Gentlemen of the House: I apologize to the good Representative, Mr. Jalbert, for my awkwardness. This is the first time that I have spoken in this chamber.

I am not in favor of abortions. Few are in favor of abortions. The issue is a woman's right to choose. I support that right, I will vote against indefinite postponement of L.D. 318.

The SPEAKER: The Chair recognizes the Representative from Limestone, Representative Young.

Representative YOUNG: Mr. Speaker, Ladies and Gentlemen of the House: I also have a tremendous amount of respect for everyone who has spoken on this bill. On either side, I think the debate has been conducted in a very disciplined fashion and I appreciate that. I don't know how long the debate will gone on today. As you know, I refrained from speaking on this bill but I would just like to ask one thing at this point, given the nature, it is a religious holiday, today is Holy Thursday, Monday is Easter Monday, I hope I won't offend any members — I am going to ask that we table this matter two legislative days.

The SPEAKER: The Chair would advise the Representative from Limestone, Representative Young, that since he has debated the issue, the motion to table by the Representative is out of order.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Holt.

Representative HOLT: Mr. Speaker, Ladies and Gentlemen of the House: I forgot that the motion to table is not in order but I would just like to tell the people that long ago my beautiful grandmother said to me, when she was told of having doing something wonderful for her family on Sundays by the neighbors, she said, "The better the day, the better the deed." Obviously, I don't need to tell you that now but let us get on with what we think we must do for our families and the people that we represent as speedily as possible so we can get on to the other business they have sent us here to do.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, I move to table for two legislative days.

Representative Farnsworth of Hallowell requested a roll call on tabling.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than 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 pending question before the House is the motion of the Representative from Brewer, Representative Ruhlin, to table two legislative days. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 41

YEA - Ahearne, Aikman, Aliberti, Anderson, Bailey, R.; Beam, Campbell, Carr, Clark, Clukey, Coffman, Driscoll, Farren, Hichborn, Jalbert, Joy, Kneeland, Libby James, Look, Lord, MacBride, Marshall, Melendy, Michaud, Murphy, Nickerson, Pouliot, Quint, Reed, W.; Ricker, Robichaud, Ruhlin, Simoneau, Stevens, A.; Tardy, Tufts, Vigue, Whitcomb, Young.

NAY - Adams, Ault, Bailey, H.; Barth, Bennett, Bowers, Brennan, Bruno, Cameron, Carleton, Caron, Carroll, Cashman, Cathcart, Chase, Chonko, Clement, Coles, Constantine, Cote, Cross, Daggett, DiPietro, Dore, Erwin, Faircloth, Farnsworth, Farnum, Fitzpatrick, Foss, Gamache, Gean, Gray, Greenlaw, Gwadosky, Hale, Hatch, Heeschen, Heino, Hillock, Hognlund, Holt, Hussey, Jacques, Johnson, Joseph, Kerr, Ketterer, Kilkelly, Kontos, Kutasi, Larrivee, Lemke, Lemont, Lindahl, Marsh, Michael, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Nash, Norton, O'Gara, Oliver, Ott, Paradis, P.; Pendexter, Pendleton, Pfeiffer, Pineau, Pinette, Plourde, Plowman, Poulin, Rand, Reed, G.; Richardson, Rotondi, Rowe, Rydell, Saint Onge, Saxl, Simonds, Skoglund, Small, Spear, Stevens, K.; Strout, Sullivan, Swazey, Taylor, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, True, Walker, Wentworth, Winn, Zirnkilton.

ABSENT - Cloutier, Dexter, Donnelly, Dutremble, L.; Gould, R. A.; Libby Jack, Lipman, Martin, H.; Thompson, The Speaker.

Yes, 39; No, 102; Absent, 10; Paired, 0; Excused, 0.

39 having voted in the affirmative and 102 in the negative with 10 being absent, the motion to table two legislative days did not prevail.

The SPEAKER: The pending question before the House is indefinite postponement of L.D. 318, a roll call having been requested.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than 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 Representative from Sanford, Representative Carr.

Representative CARR: Mr. Speaker, Ladies and Gentlemen of the House: I have heard the Representative from Berwick describe the procedure called D&X and I have heard others protest her testimony; yet I have not heard anyone deny this procedure.

I would like to pose a question through the Chair. Is this procedure that Representative Murphy described correct or incorrect?

The SPEAKER: The Representative from Sanford, Representative Carr, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: This procedure is correct. It was given at a Risk Management Seminar, sponsored by the National Abortion Federation on December 13, 1992. It can be checked out, documented. The article was written by a Dr. Richard D. Glasow, Ph.D..

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Høglund.

Representative HøGLUND: Mr. Speaker, Ladies and Gentlemen of the House: I have been here for a long time and I think this is one of the worst tactics I have ever seen to be described on the House floor. It seems to me, if you are talking about morals and values, then you ought to look at the way the question was presented and how the question is answered and to whom the question was going to. Isn't it really astonishing and I am really appalled at a legislator who runs up and has all the statistics on a person who asks the question. I guess if you need to ask that question, you have your physician, you have your spouse, and you have yourself — you could have asked it yesterday but it is a question that I find very appalling to us on the House floor.

I am a Catholic, I am a mother, I am going to be a grandmother, I know the pain of delivering children — does anyone ever ask that? I can also tell you that I am supporting L.D. 318 and I hope you all vote against this indefinite postponement. If you talk about morals and family values, please if you want to ask the question, you should ask your physician.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Faircloth.

Representative FAIRCLOTH: Mr. Speaker, Ladies and Gentlemen of the House: I deeply respect the views of Representative Pouliot and Representative Murphy and I even respect Representative Murphy's right to question these matters in any way that she sees fit. That's her right but we have debated this matter and we have decided this matter so please it is time to move on.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative Lord.

Representative LORD: Mr. Speaker, My Learned Colleagues: I was one of those who voted for this motion a couple of days ago. I voted for it because I thought there were some darn good amendments on there that would strengthen it. I personally feel that in its present form that it is too loose.

This procedure that was described is Greek to me, didn't know the first thing about it and I am pretty old. I am going to vote to indefinitely postpone it. I really am. I can't in good faith vote for this bill the way it is in its present form. I am going to change my vote and I am telling you right now.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Pouliot.

Representative POULIOT: Mr. Speaker, Ladies and Gentlemen of the House: We have heard an awful lot about dignity, we have heard things about "this is not the type of procedure we should be following." I told you today in my opening testimony that I respected every member of this body, the 151. The decision that you made was your decision. The decision that I make will be my decision but I was always under the assumption that in this House all facts should be brought to the floor. There is nothing wrong in bringing facts that brings out the truth. It may not be agreeable to whichever side you

are on but I think the question was asked on the floor of the House, if there is any misstatements on this D&X, then I would say that you should stand and tell us that it is wrong. I fear that the people back home that I represent have a right to know everything that we vote on. There are times that we vote on issues and we don't have all the facts. I am sorry to say to you, if we have the facts today, I am glad that those who stood and explained it, I am just hoping now that maybe the members of the media will be able to get the message back to the voters.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Rydell.

Representative RYDELL: Mr. Speaker, Men and Women of the House: Due to the religious holiday, I was not able to be here for the debate on Tuesday. I am really surprised at the debate today. I want to affirm today before this body what this legislation does. This legislation preserves current Maine law regarding reproductive choice in Maine. It affirms in Maine statute the protections of the 1973 U.S. Supreme Court decision in Roe v. Wade, that is what it does. It ensures the state does not limit a woman's access to abortion except after fetal viability. After viability, abortion is allowed only to save the life or preserve the health of the mother.

This bill today that we are voting on will leave in place the legislation that this body and this legislature put in place a few years ago regarding adult involvement prior to an abortion of a minor.

This bill also affirms the current state policy that the state does not restrict, I remind you, a woman's exercise of her private decision to terminate a pregnancy before viability. We are affirming Roe v. Wade, we are affirming the woman's right to choose. That is what the debate should be on, that is what the vote is about today.

I ask you to vote against indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, Men and Women of the House: I just want to remind you that today you are not voting for choice or not having choice. If we indefinitely postpone this piece of legislation, what we are doing is just going back to what is in law, choice will still be there.

My concern is that this piece of legislation today does not keep in that waiting period. To me, that last 24 hours or 48 hours a person has in order to really think out and make that final decision is ultra important. You have that when you make a purchase of a car or a washing machine or what have you. It is the waiting period that I believe really should remain in there. I don't know what the big problem is in taking that out.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Simoneau.

Representative SIMONEAU: Mr. Speaker, Ladies and Gentlemen of the House: I never thought, Representative Melendy, I would be agreeing with you on a lot of things.

Going back to Representative Rydell, this is the issue of Roe v. Wade. The issue of viability is in Roe v. Wade and there is nothing wrong with postponing enacting this law until we have a chance to look into this a little further. Up to viability, most of us have no problem at all with a woman's right to choose for any reason. That is her right,

her privilege, do what you want to do between you and your doctor. After viability, Roe v. Wade is very specific. I read it to you the other day, it is very specific. It says that the state should consider the life of the fetus and it has to do that. Yes, Representative Murphy read or described to us a procedure that is offensive, but it is the truth. She described a procedure that is performed on a baby after the point of viability and Roe v. Wade addresses that. So, what is the big hurry? Representative Melendy is right, if we postpone this thing indefinitely, we take a look at it, look at some of the facts, you may want to change your mind as to what we are going to do in this state after viability. Think about that. If the laws are on the books, we are not denying anybody anything, but we are taking a second look at something. We are taking a second look at a living being having a chance to live.

Representative Townsend of Eastport was granted permission to address the House a third time.

Representative TOWNSEND: Mr. Speaker, Men and Women of the House: First off, I am absolutely amazed that anyone would think that a person would go to get a medical procedure and would need 24 hours to make up their mind. Generally by the time they go to the doctor, they have thought this out in-depth. I would even take it to the point of buying a car — when I buy a car, I most certainly think about buying that car and what I want to buy before I go to the lot. Medical procedures are not something people rush into. I think that medical procedures, generally speaking, are pretty intimidating to most folks.

I do respect anyone who wants to bring up different facts and particulars about this, even if it is a procedure that bothers us. It is my understanding and I am convinced that this procedure is only done in the event that a woman's life is in danger. So, in order to get all the information on that particular procedure, we have to look at the other side of the coin. If the woman does not have that choice and that woman dies, maybe we should have described here for us today the procedure that a loved one that passes on goes through in the embalming process. Maybe that is disgusting too but nonetheless, that is the fact of the case. We are talking about preserving a woman's right to choose. I will remind you that it comes down to that. We have had religious inferences here on this issue many times. That is, once again, for each of us to decide for ourselves.

I didn't make my decision to be pro-choice yesterday, the day before, or last week. This is an issue that has been dividing this country for years. There has been much information pro and con, it's already available, anything you want to read about this is available. We need to preserve a freedom of choice for the women of this state. That is what this issue is about and anything else is an aside issue.

There are amendments that I even considered supporting. However, I get the underlying feeling that no matter how many amendments are presented, there are those, either here or in this state, that want to impose what they feel their feeling on this issue is onto everyone else. It is not going to work, ladies and gentlemen, this is an issue that each person has to decide within their own heart. We decided this, I felt, overwhelmingly the other day.

All the amendments had a fair airing, many people made very good points. We are just rehashing old information. I would urge you to stick by your vote of the other day and defeat this motion.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: Many people have referred to the bill not having any effect on what is presently in law in the state. So, if this bill, L.D. 318, doesn't change the law at all, why are we fighting and trying so hard to pass it and not have any restrictions on it? It is kind of — it becomes questionable, why are we working so hard if it doesn't change the law?

Number two, why are we trying to pass this during Holy Week? It is bad enough to pass it any other time of the year but passing this during Holy Week, we are going to live with this for the rest of our lives, not because we pass it during Holy Week, but because we are passing it.

I will be able to live with my conscience. I went home the day we worked on this, I didn't sleep at all that night because I worked and I felt so inadequate that I wasn't able to sway or change a thing in this place. Everybody was still dead set on passing the bill exactly the way that it was intended. Ladies and gentlemen, I hope that we really give this some serious thought, at least give some respect to the unborn, have some minor restrictions and not leave it open as it is right now. I urge you to rethink your position. Let's not pass this during Holy Week.

I thank you for your time.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Coffman.

Representative COFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: I will be brief and try to be germane to the issue at hand.

I would like to read you this sentence in L.D. 318. "After viability, an abortion may be performed only when it is necessary to preserve the life or health of the woman." I accentuate 'health' and, as I stated the day before yesterday, 'health' according to the Supreme Court, means either physical, emotional, psychological, familial or the woman's age.

I would ask you to support the indefinite postponement of this bill to give time to those who so desire to amend that bill, to amend it so that there would be no D&X procedures performed after viability. I think that is a strong reason to indefinitely postpone this bill.

The further we get into these issues and discuss this, I am almost getting the feeling that pro-choice means no choice, no information, don't ask questions, vote down here without all the facts before you.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Michael.

Representative MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: This is a very upsetting issue for everyone. I am one of those people that is opposed to abortion and I will be voting pro-choice today. I don't think there is a role in the government to determine theological matters and we have also seen over the years that it doesn't work to try to manage abortions through laws. So, as disgusting as the whole matter is for me, I will be voting to give people that right to choose. I would no more vote to go back to the prohibition days in terms of alcohol or vote to return marijuana back to

the severe penalties we had ten or twenty years ago because those are also unmanageable personal matters and totally unworkable.

What this state needs is a cultural revolution as opposed to a political revolution because what the pro-life people want to achieve cannot be done politically. It can be only accomplished by returning to a community mentality where people discover who they are as human beings, where unwed mothers are welcomed into society as they are in Europe and that kind of a cultural shift will make the change that people want.

One last thing, I would actually like to thank the gentlelady from Berwick, Representative Murphy, for her statements. I know she wasn't that comfortable making them but when in doubt in any political environment and certainly this one, I think it is always good to put the truth in people's faces as you see it and I want to commend you for doing that.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Robichaud.

Representative ROBICHAUD: Mr. Speaker, Colleagues of the House: I just want to go back to something that the good Representative from Rockland, Representative Melendy, said. I feel that I guess we have gotten away from what I see is the debate on the bill. What we have done is gotten into a debate that is pro-life, if you will, versus — I am going to put it very bluntly, I think it is people who oppose abortion versus those who would allow a woman to choose, yes, but my position is, I would not choose to have an abortion but I would not like someone to tell me I had to. So, in that respect, I do consider myself pro-choice, but throughout this debate today and the debate on Tuesday, I have tried to focus on the bill in front of us. What I have come to and made my decision is that the Bill, L.D. 318 as it stands now with no amendments, the process has opened up the availability of abortions to an extent that I do not feel comfortable with, I do not at all.

I would also like to echo what Representative Melendy said, we already have abortion as an option on the books. By not passing this piece of legislation, we are not outlawing the act or the process of abortion. We are amending it to put it under a new set of guidelines. Based on the bill in front of us, I am sorry, I apologize to those who may not agree with me, but I cannot support L.D. 318 and I support the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Plowman.

Representative PLOWMAN: Mr. Speaker, Men and Women of the House: If today the defeat of L.D. 318 or the indefinite postponement of L.D. 318 meant that abortions were to be illegal in the State of Maine, I would vote for 318. I would like that on the Record.

During our five hour debate on this bill, many thoughts were put forward for your consideration. Some quite reasonable, one quite unintrusive. Perhaps because we termed the information we wish the women to receive as alternatives, this amendment was deemed unnecessary. It was pointed out to me that the alternatives to abortion is childbirth. How obvious, sorry I missed that.

What we meant to provide was a list of resources to allow women to consider childbirth as an alternative. I am sorry that this initiative failed.

Another idea we discussed was parental notification. The opponents deemed this was, not

only dangerous, but unnecessary. We have an adult involvement provision. This provision was described as model legislation. The argument against our provision followed the guidelines as set forth in the now legal defense in education fund material, called Protecting the Young Woman's Right to an Abortion, a Guide to Parental Notification and Consent Laws. I would like to quote from page 21, section five. "This chapter provides descriptions of statutes that have been enacted or proposed in Connecticut, Hawaii, Maine, Maryland, West Virginia and Wisconsin. None of these laws are desirable. The ideal situation is to have either no law at all regarding the minor's access or else a law that explicitly eliminates any restrictions on the minor's ability to consent to their own abortion without parental or adult involvement. The six laws, and I quote, "The six laws described here are not modeled by any means."

When 318 passes or even today when a minor decides she is to have an abortion, she is subject to only the following restrictions, a qualified adult must be involved. She must receive counseling regarding her abortion and the alternatives and the abortion must be performed by a physician. Except, there is one other restriction that affects this young lady that morning or afternoon, on the way to the doctor's office, the young lady must wear a seat belt. This body decided earlier that a minor cannot discern or recognize the danger that traveling unseatbelted might pose to her.

I would just like to offer those thoughts to you before we vote on this motion to indefinitely postpone. I will be voting to postpone.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative Marshall.

Representative MARSHALL: Mr. Speaker, Colleagues of the House: I was hoping not to have to speak today but I seem not to have any choice in that matter.

It has been referred to earlier that the description of the D&X was disgusting and that other surgical procedures would be equally as disgusting. Well, I have seen many surgical procedures because of our public television channels and other situations where they have probed deep into the human body and I find that even though sometimes it is bloody and a little messy that it is not disgusting. In fact, it is quite a marvelous thing to see how the human body functions. However, I find when you have to pull a baby out of a mother's body and suck its brains out to be quite disgusting. I don't find it to be strictly a private matter to kill a child prior to or after it is born.

It seems to me from what I hear in the debate on this bill that we would do more than not change the provisions in Roe v. Wade but we would remove its protective provisions. We seem to have a severe aversion to the facts or the truth of what we are really doing, we don't want that out. That seems to be evident from the rejection of the amendments that we tried to put on that the applicant should at least see the progressive development of the baby and that a minor perhaps ought to notify their parents. We seem to have an aversion to that. We seem to have instead a bill that would protect the business of the abortionist.

I am also told and have confirmed it with others that are familiar with accounting practices that the typical abortionist has an earnings roughly ten times that of a typical G.P..

I wonder where we would be today if we were to apply the same arguments that we are using against this bill to the slavery issue, that it would be my choice whether or not I would like to have slaves or not. Perhaps it should be my choice whether I decide that my six year old child is a nuisance and interrupts my life-style or I can't afford her anymore and decide to do away with her. Sounds disgusting, but it seems pretty close to the same thing.

We talk about choice, but we are soon going to see bills, I do believe, to restrict smoking to raise tariffs on them to take away people's choice. We are going to hear of bills to make it mandatory to wear seat belts, take away the choice there. We already have bills that take away our choice as how we use our private property. I find it appalling that we would go into a situation such as this one and not even ask that a woman or a child perhaps that is planning or thinking of having an abortion, not stop for 24 hours and think about it again, or, here take a look at the pictures and see the development stage at which your child might be in.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Pouliot of Lewiston that L.D. 318 be indefinitely postponed.

The Chair recognizes the Representative from Township #27, Representative Bailey.

Representative BAILEY: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative Lipman of Augusta. If he were present and voting, he would be voting nay; I would be voting yea.

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative Farnham.

Representative FARNHAM: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative Ott of York. If he were present and voting, he would be voting nay; I would be voting yea.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Martin.

Representative HALE: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative Martin of Van Buren. If she were present and voting, she would be voting yea; I would be voting nay.

The SPEAKER: The pending question before the House is the motion of Representative Pouliot of Lewiston that L.D. 318 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 42

YEA - Ahearne, Aliberti, Anderson, ; Bailey, R.; Beam, Campbell, Carr, Chonko, Clark, Clukey, Coffman, Dexter, Driscoll, Farren, Gould, R. A.; Hichborn, Hussey, Jacques, Jalbert, Joy, Kneeland, Kutasi, Look, Lord, MacBride, Marshall, Melendy, Michaud, Murphy, Pinette, Plowman, Pouliot, Quint, Reed, W.; Ricker, Robichaud, Simoneau, Stevens, A.; Strout, Tardy, Tufts, Vigue, Young, The Speaker.

NAY - Adams, Aikman, Ault, Barth, Bennett, Bowers, Brennan, Bruno, Cameron, Carleton, Caron, Carroll, Cashman, Cathcart, Chase, Clement, Coles, Constantine, Cote, Cross, Daggett, DiPietro, Donnelly, Dore, Erwin, Faircloth, Farnsworth,

Fitzpatrick, Foss, Gamache, Gean, Gray, Greenlaw, Gwadosky, Hatch, Heesch, Heino, Hillock, Hogg, Holt, Johnson, Joseph, Kerr, Ketterer, Kilkelly, Kontos, Larrivee, Lemke, Lemont, Libby James, Lindahl, Marsh, Michael, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Nash, Nickerson, Norton, O'Gara, Oliver, Paradis, P.; Pendexter, Pendleton, Pfeiffer, Pineau, Plourde, Poulin, Rand, Reed, G.; Richardson, Rotondi, Rowe, Ruhlin, Rydell, Saint Onge, Saxl, Simonds, Skoglund, Small, Spear, Stevens, K.; Sullivan, Swazey, Taylor, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, True, Walker, Wentworth, Whitcomb, Winn, Zirkilton.

ABSENT - Cloutier, Dutremble, L.; Libby Jack, Thompson.

PAIRED - Bailey H.(yea)/Lipman (nay); Farnham (yea)/Ott (nay); Hale (nay)/Martin, H. (yea).

Yes, 44; No, 97; Absent, 4; Paired, 6; Excused, 0.

44 having voted in the affirmative and 97 in the negative with 4 being absent and 6 paired, the motion to indefinitely postpone L.D. 318 did not prevail.

Subsequently, L.D. 318 was passed to be enacted, signed by the Speaker and sent to the Senate.

On motion of Representative Gwadosky of Fairfield, under suspension of the rules, was ordered sent forthwith to the Senate.

ORDERS OF THE DAY

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Tuesday, April 6, 1993, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

The Chair laid before the House the first item of Unfinished Business:

An Act Related to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Act (EMERGENCY) (S.P. 320) (L.D. 973) (H. "A" H-77)

TABLED - April 5, 1993 by Representative ERWIN of Rumford.

PENDING - Passage to be Enacted.

On motion of Representative Erwin of Rumford, under suspension of the rules, the House reconsidered its action whereby L.D. 973 was passed to be engrossed.

The same Representative offered House Amendment "B" (H-135) and moved its adoption.

House Amendment "B" (H-135) was read by the Clerk and adopted.

The bill was passed to be engrossed as amended by House Amendments "B" (H-135) and "A" (H-77) thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the second item of Unfinished Business:

An Act Prohibiting Political Activity by Members