

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Third
Legislature*

OF THE

STATE OF MAINE

Volume II

May 10 to June 15, 1967

**KENNEBEC JOURNAL
AUGUSTA, MAINE**

"Ought to pass." Now there have been some changes in the bill as it was introduced as No. 530. Number 530, legislative document, called for the Commissioner of Sea and Shore Fisheries to receive a salary of \$500, also for the Inland Fisheries and Game Commissioner, who are ex officio members of the Board, also to receive a salary of \$500. In the New Draft these are eliminated. It does, however, retain the \$1,500 for the third member of the Commission, Mr. Bond, whose duties have already been described to you by the gentleman from Bangor, Mr. Ewer. He is very much interested, he is hard working, he spends a lot of time — it is not unreasonable to give him \$1,500 a year.

Inasmuch as the original bill was changed, these \$500 increases for two commissioners were eliminated I think the bill is very, very fair and I would trust that the motion made by the gentleman from Sanford, Mr. Nadeau, will be turned down by this House.

The SPEAKER pro tem: The Chair recognizes the gentleman from Sanford, Mr. Nadeau.

Mr. NADEAU: Mr. Speaker and Members of the House: After the explanation of Mr. Dennett, knowing that this has been taken away, this \$500, from two of the people and will permit these department heads to return to work, if they're not sitting in the balcony where they usually are — I don't see them today, but they'll be back later on sometime. With that in mind I will now withdraw my motion. If this money is going to go to the working member and permit those other guys to go back to work I will withdraw my motion.

Mr. Nadeau of Sanford was granted permission to withdraw his motion to indefinitely postpone.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Finally Passed

Resolve Reimbursing Certain Municipalities on Account of Property Tax Exemptions of Veterans (S. P. 173) (L. D. 365)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, finally passed, signed by the Speaker and sent to the Senate.

Orders of the Day

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

Bill "An Act Reducing Maximum Amount and Duration of Small Loans and Establishing Equitable Rates for Small Loan Agencies" (S. P. 373) (L. D. 986) (In Senate, passed to be engrossed as amended by Committee Amendment "A" (S-159))

Tabled—June 12, by Mr. Scott of Wilton.

Pending — Passage to be engrossed.

On motion of Mr. Jalbert of Lewiston, tabled until later in today's session.

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

SENATE MAJORITY REPORT (6)—Ought Not to Pass—Committee on Judiciary on Bill "An Act relating to Unjustified and Justified Abortions" (S. P. 215) (L. D. 478)—MINORITY REPORT (4)—Ought to Pass in New Draft (S. P. 667) (L. D. 1695) (In Senate, Minority Report accepted and passed to be engrossed)

Tabled—June 12, by Mr. Farrington of China.

Pending—Acceptance of either Report.

The SPEAKER pro tem: The Chair recognizes the gentleman from China, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker, I now move that the House accept the Minority Report in New Draft.

The SPEAKER pro tem: The question now before the House is on the motion of the gentleman from China, Mr. Farrington, that the House accept the Minority "Ought to pass" Report in new draft.

The Chair recognizes the gentleman from Bangor, Mr. Quinn.

Mr. QUINN: Mr. Speaker and Members of the House: I desire to

address the House in opposition to the motion.

As one of the six members of the Judiciary Committee that brought in a report "ought not to pass" I would like to give the ladies and gentlemen of the House my reasons for that vote.

I told you yesterday that I had spent considerable time in enforcing the laws of the State of Maine as County Attorney in Penobscot County for ten years, and as Judge of the Bangor Municipal Court. In these criminal cases we were compelled to satisfy a Jury or a Judge beyond a reasonable doubt of a person's guilt. Therefore—and by the way I am the last, or was the last, full time County Attorney of Penobscot County. In Penobscot County we now have two assistants. So, I merely refer to that to say to you that all of the cases that came over my desk for attention I knew of personally, and I'm going to refer to that experience a little later in my discussion.

But it was our obligation to prove beyond a reasonable doubt that the respondent was guilty. The result of or converse of that is that the defendant's attorney had to create a reasonable doubt for his client in order to free him of a criminal charge—draw a red herring across the path if you will. So that when I consider these cases and when I considered this case, it was natural for me to look for the red herring.

I want to bring your attention to the original bill, L. D. 478. Now this bill has been greatly circularized, not only among the members of this House but around the state, so that a lot of people have been getting ideas about this bill that are not true. And as a result of that we have been getting many letters, not only from individuals but from groups of individuals requesting us to support this bill.

Statement of Facts on this original bill:

"A. A mother who has German measles within the first three months after becoming pregnant and having a 75 percent assurance of having a blind, deaf, severely retarded baby.

B. A twelve-year-old girl who becomes pregnant by her father as the result of incest.

C. The housewife-mother who is assaulted and raped by a gang of hoodlums and becomes pregnant."

Now those "scare" expressions were put into this bill by its sponsor. And who was its sponsor? Not the good lady whose name appears on the original bill, the Senator from Lincoln County. When we had our hearing this lady was so embarrassed before the Committee because of the things and the questions that were being asked that the sponsor of the bill, Dr. Schumacher, a psychiatric doctor in the Department of Health and Welfare, acknowledged the sponsorship of the bill and consequently, the sponsorship of the statements.

Now later on—these are the statements that appeared in the printed bill, later on when testimony was given did he say 75 percent? No, he did not say 75 percent. What did he say? He said 50 to 75 percent; that's quite a decrease. And other MD's who appeared before the Committee made a statement that this was a way out of proportion; that the more correct statement would be from 10 to 15 percent—I'll refer to that a little later.

Next he says, and he picks out—a twelve year old girl becomes pregnant. He couldn't go below that age very well, so he picks the sensational. The housewife-mother who was assaulted and raped by a gang of hoodlums—he selects the unusual.

Now all of these things for what purpose? Was it to give a true and factual evidence to the Committee to assist the Committee in determining what was right and what should be done? The evidence later did not confirm those things.

Now the bill as redrafted provides for a woman who is pregnant with child, if she wants to be aborted she must make a written request for it. For the purposes of physical health, mental health, birth of a child with grave and permanent mental or physical deformity, or pregnant as a result of

rape or incest, and in that case it must be less than sixteen weeks of gestation.

Now this bill before our Legislature is one of many bills that have been sponsored before other legislatures throughout the country this year and presumably from the same source — the psychiatrists. And I'll refer to that a little later.

We have had a terrific amount of testimony presented to our Committee. I have volumes which I would like to have you know about such as we learned about the cases, and upon which we made our decision, but I'll only take your time to refer to a couple of them which might generally outline how some of our citizens who have found themselves in this kind of a predicament feel. Here is a statement from a lady who appeared from South Portland. She says — "My husband is a member of the Governor's Advisory Council on Problems of Mental Retardation. Unfortunately he is unable to attend the hearing to address the Committee, so I am speaking for him as a private citizen, as well as for myself. First, in opposition to this bill I submit for your consideration: who among us is perfect? Which imperfection is minor enough to be permitted to live on, and which so great that it is deemed to destruction? This bill proposes to leave this monumental decision to two doctors" — that was the original bill and this statement was made at the time of the original bill. "Any two doctors. What proof have we that any given unborn has, or has not, these imperfections? We have statistics which project a ratio of defectives in certain situations. These same statistics also project a given number of normal births. There is no guarantee that German measles during the first three months of pregnancy must result in a deformed fetus. From our own personal experience, I would like to bring out the fact that we are the parents of a mentally retarded child. There was no known medical reason for this child to be afflicted. Five years after her birth, I had German Measles during the first three months of pregnancy,

and bore a normal, healthy baby. This is unusual to be sure, but who has the wisdom to know beyond a doubt on which side the ratio any given child must be?"

Second, should a fetus missing an arm or a leg be destroyed, or one minus both arms or both legs? Which should be allowed to live and which, if any, should die? Consider the many amputees who lead happy, productive lives in the full dignity to which we all have a moral and legal right. Should a fetus which may be minus one of the five senses be killed, or would this life be destroyed only if it were without two or more of the senses? Consider Helen Keller! Should a crippling deformity be the object of our destruction? Consider Franklin Delano Roosevelt and others who have soared to great heights from wheelchairs. Regardless of political leanings, it must be admitted that F.D.R. held the top job in this country. Who is to look into the brain of an unborn child and determine if it is, or is not, damaged; and if so, to what extent? And who will guarantee that a child born as nearly perfect as possible will remain that way for his lifetime?

We all know of cases in which a genius or near-genius has gone berserk. We all know of accidents and illnesses which have left people crippled or brain-damaged. Are we to destroy these victims? To what standard of perfection will we grant the privilege of life? If we kill off the afflicted, the deformed and the unwanted in our midst, where do we draw the line?

As a civilized Nation, our sensibilities would be outraged if these children were destroyed after birth, just as we were shocked and sickened by Hitler's tactics. He killed off the afflicted, the infirm, the aged and those not of full German blood in his insane effort to develop a super breed.

We are not considering here whether or not you shall give consent to ridding our state and our society of at least some of these protections. That will give you a little sample of the dozen or more statements that were made before our Committee.

Now along that line I was given a clipping which is rather apropos to this subject matter. It says: "Therapeutic Abortion. Maurice Baring used to tell the following story. One doctor said to another: 'About the terminating of a pregnancy, I want your opinion. The father was syphilitic. The mother tuberculous. Of four children born, the first was blind, the second died, the third was deaf and dumb, the fourth also tuberculous. What would you have done? Answer, 'I would have ended the pregnancy.' 'Then you would have murdered Beethoven' And we would have lost that great musical genius that has given us so much pleasure and satisfaction through life."

Now there is a quotation from some of our medical doctors that appeared before the Committee that there is a vaccine now permitting medication that can be given to humans to eradicate measles, and I have a clipping here from a local paper, and it says: "President Johnson announced Monday that a common measles can be wiped out as a threat to the nation's children and the goal is to do it by the end of 1967. Vaccinations by the millions will be the weapon."

So let's give a little consideration to the elimination of the source of the ailment that causes these defects, rather than murdering thousands of innocent children.

Now, one of these things that are now treated, perhaps a little out of order—is rape.

Now the type of rape that I read in the Statement of Facts is unusual. I never have heard of very many types of rape of that sort in the State of Maine. What they have in other states where they have similar bills such as we are considering I don't know, but I do know we do not need this bill in the State of Maine.

Now in a case of rape—and I had many cases of it as a prosecuting attorney. What happened? Some innocent person—I'm speaking about a real rape—not an alleged rape. Some innocent person was violated; they were shocked—they were incensed. Now what do they do—do they go hide behind a bush until they become

pregnant? No, they don't—they go to the first house they can get to—they go to the first person they can get to and tell what happened to them. And then what happens? A doctor is immediately called in; he examines the victim and treats the victim. The victim doesn't become pregnant.

Incest. In my fourteen years as a prosecuting attorney I had one case of incest. A father who had impregnated his fifteen year old girl—not twelve year old—fifteen year old daughter. The case came before me, the person was prosecuted, the person went to State's prison.

Now the child loved her father—and did not disclose what had happened until she had to, and then was well along beyond the sixteen weeks that this bill refers to. She was within about six or seven months of her pregnancy. Now what happened? She loved her father—her mother forgave, but the father had broken the law and had to be punished, and he was sent to State's prison; and then what happened? Within a year the mother and the whole family petitioned together for pardon—they needed him back home.

Now we don't have to worry too much about incest cases here in the State of Maine.

Now relative to another proposition, physical health and the well-being of the mother. We have a present law on our books that says: "Whoever administers to any woman pregnant with child, whether such child is quick or not, any medicine, drug or other substance, or uses any instrument or other means, unless the same is done as necessary to preserve the mother's life."

So we already have a law on our books that takes care of the physical well-being of the mother if necessary and for the testimony we received from the M.D.'s before our committee they have on several instances considered the mental condition of the mother as well as the physical in taking care of her situation. So we need not worry about that.

Now the next one was mental health. Now who is this going to affect? This is going to affect that great branch of the medical fra-

ternity known as the psychiatrists the sponsors of the bill, and presumably the sponsors of other bills throughout the country similar to this one.

Now I'm going to quote from what one of our medical doctors said in this regard: It says—"This bill was proposed by a psychiatrist. It is understandable—that 'mental health looms large as a reason for abortions, but how does one determine the true state of a patient's mental health when that patient is faced with an unwanted pregnancy?'"

Now you can compare that with the doctor's approach to the situation and consider further. The most outspoken psychiatrists are those who advocate more liberal abortion laws. Even under existing legislation they acknowledge that abortions are being performed for psychiatric indications that have been exaggerated. Now you are getting into a field where you are having abortions rather promiscuously.

"Throughout the United States," the statement goes on to say, "as medical indications for abortions have become practically nonexistent, so-called psychiatric indications have been the basis for an ever-increasing percentage of the reasons listed for abortions. The number of abortions, performed in two New York Teaching Hospitals for psychiatric reasons rose from 13% in 1943 to 87½% in 1963." Who wants the abortion law?

Now, that was one of the M.D.'s quoted as being a fact from medical information. Now, further than that, we received a communication from twenty-one physicians from Portland concerning this bill and among other things they said, "We are wholeheartedly against this measure for the following reasons: 1. It first of all condones the violation of the Hippocratic Oath given by physicians wherein, and I quote, 'I will prescribe regimen for the good of my patients according to my ability and my judgement and never do harm to anyone. To prescribe no one will I prescribe a deadly drug, nor give advice which will cause his death. Nor will I

give a pessary to procure abortion.'"

Now, they make a reference to the mental health in the bill.

"In regard to Mental Health—there are no accurate or reliable statistics to substantiate the erroneous premise that abortion will reduce the incidence of mental illness. In fact, quite the converse is probably true, that the addition of guilt feelings associated with abortion may only serve to accentuate and trigger severe mental disease.

In a recent New York City survey by the National Opinion Research Center, it would appear that the upper and middle class who can be aborted for a fee have even a higher incidence of mental illness than the poor charity patients who frequently are not in a position financially to obtain an abortion.

It is therefore difficult to reconcile this fact with the claims made by the proponents of the abortion law that this law will reduce the incidence of mental illness.

As far as abnormal children resulting from German Measles in the mother during pregnancy — there are no accurate nor valid statistics. We are all aware of outrageously false claims that 80% of children born of mothers who had contracted German measles during pregnancy have been born defective. If the truth were known, it would probably be in the vicinity of 14 to 15%."

Now this is what twenty-one physicians from Portland say and consider that in the light of the original statement of the psychiatrist that sponsored the bill of 75%.

"We are aware that research is now in progress to develop a German Measles vaccine which, when available, should eliminate this argument.

As physicians, we do not believe that this is strictly a religious issue but we all, I am sure, believe in the inalienable right to life as most Americans do and those of us who adhere to some religious principle all believe in the Commandment of God—"Thou shalt not kill,"

Let us kill the permissive abortion bill and certainly not kill innocent human beings."

Now that is the statement of twenty-one physicians of Portland which backed up in large measure the oral presentations before us in person of other physicians.

Now, we have considered the original statement of 75% of the children born because mothers had measles in the original statement. We then obtained information from Dr. Schumacher in his testimony before the Committee that it might be 25 to 50%. We had other information from doctors who appeared at the Committee that it might be 10 or 15%—quite a difference. And these doctors from Portland in the statement say it might be 14 to 15%. Well, what does that add up to? This is the serious part of the bill. What does that add up to? That adds up to this. If Dr. Schumacher is right, to abort a woman who has had the measles in order that she will not deliver a mentally deficient or physically deficient fetus or child, you would be aborting and taking the life of 50 to 75% who would be innocent and who would have been born normal. If you take the word of the doctors who said that 10 to 15% would be born mentally defective or physically defective, you would be taking the life of 85 to 90% who would have been born normal.

Now, I say to you, why not be certain? Why gamble? Why not wait until this child is born and then find out for sure that this child is abnormal, mentally or physically, and if it proves to be such, take its life. Would you agree to go along on that basis? If you did, it would save the lives of thousands of innocent children who would be born normal. Of course you wouldn't. You would be horrified at any kind of a suggestion, but isn't it a more practical suggestion than taking the lives of thousands of innocent children that would be born normal? This is not a good bill. This bill might well be called a bill pertaining to life and death and as such one of the

more serious L.D.'s before us in this session.

I respect the good judgment of the members of this House and I am confident that no God-fearing member will vote for this measure, which would create such a horrible and shocking result. They would not want it upon their conscience that they had any part in making it possible for the destruction of innocent human beings. I thank you. I would like to move that this bill and all its accompanying papers be indefinitely postponed and when the vote is taken, I ask for a roll call.

The SPEAKER pro tem: The question now before the House is on the motion of the gentleman from Bangor, Mr. Quinn, that the bill and all accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Portland, Mrs. Carswell.

Mrs. CARSWELL: Mr. Speaker and Members of the House: The gentleman from Bangor, Mr. Quinn, made reference to the sponsor of the bill. He is correct. This bill was peddled, it was peddled by the psychiatrists. It's a psychiatrists' bill. We want nothing to do with it. The parents of retarded children are very, very disgusted that such a bill should be placed in the Legislature of the State of Maine, and I belong to several of those organizations. And many of the people have called and asked me to speak out very, very strongly against this bill.

Now, I have a newspaper clipping here which referred to the State of New Jersey. "A child, however defective and mentally retarded, has a right to live and it is paramount to any right presumed by the parents to destroy him before birth, the New Jersey Supreme Court ruled Monday . . ."

"The majority said it sympathized with the parents but 'we firmly believe the right of their child to live is greater than and precludes their right not to endure emotional or financial injury.'"

I also have another clipping and the title is "Unborn Baby is 'A Person' Court Rules," and this is

from Boston, "The Massachusetts Supreme Court says an unborn baby is 'a person' in the eyes of the law and thus has a right to recover damages for wrongful injury."

Now, let's get back to the sponsors of the bill, the psychiatrist. As I stated, I agree with the gentleman from Bangor, Mr. Quinn. I was in the office of Dr. Schumacher before this bill was ever drawn up by the Director of Legislative Research. Dr. Bowman was sitting in the office with Dr. Schumacher and me. The subject was brought up about an abortion bill. They asked me if I would take it. I made no comment other than to say no and may I have a copy.

Now, I have a clipping here from one of the Portland papers, I believe it is the Evening Express and it's a series and it's Series 18, "Psychiatry Confused, Searching for Panaceas," and this was written by a psychiatrist, Dr. Roy R. Grinker, Sr., Director of the famed Psychosomatic and Psychiatric Institute at Michael Reese Hospital and Medical Center in Chicago, and according to this clipping, he states:

"Psychiatry and psychoanalysis today have not lived up to their well-advertised and hoped-for promises. One has only to talk to disappointed patients and confused and frustrated therapists to ascertain this." Now, this certainly doesn't have a great deal to do with the abortion bill but at the same time it shows the quality of some of our psychiatrists. Now, I'm not knocking the psychiatrists in general, but I do feel that some of them are very, very confused. Now, we have Pineland Hospital and Training Center which the State of Maine has provided to take care of the unfortunate individuals who have been born mentally retarded. We also have in the legislative process bills for a long term care facility for the retarded in Bangor and probably one in Augusta and some day another one in Pineland. Now, what are we going to do? It seems at this point that we are a bit confused and I'm just hoping that

the legislators will not even think of passing a bill such as this.

Now, I talked to Dr. Schumacher one day after I had heard him make a remark about the mother who had an abortion because she was told that her child was going to be born blind or retarded. I asked Dr. Schumacher what was so wrong about being born blind or retarded. Then I mentioned about Helen Keller, all that she had given to the people of the United States and other countries. He said oh, that's the exception. Well I beg to differ with Dr. Schumacher. It is not the exception. We have Dr. Lorraine Gaudreau over here in the Department of Health and Welfare and she appeared before the Legislative Committee on Health and Institutional Services and when that woman spoke, you could hear a pin drop. Lorraine Gaudreau. Dr. Lorraine Gaudreau was born blind and she has given to the people of the State of Maine services that I doubt that a lot of sighted people would be able to give. She goes to the homes of individuals who have had a person in the family become blind, either early in life, later on in life or possibly who have had a child that has been born blind. She helps to adjust these families and the individual.

Now, I hate to bring the Vietnam War into this story but I think it's relevant. We perhaps will have some servicemen who will come back with this affliction and I do feel that this doctor who was born blind will have a great deal to offer these servicemen, and I very, very strongly oppose this bill and I hope that every member of the House will give it a sound trouncing so that these psychiatrists' prediction of it coming back to the next legislature will not hold out. I thank you.

The SPEAKER pro tem: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Danton.

Mr. DANTON: Mr. Speaker and Members of the House: As has been pointed out to you by the very able gentleman from Bangor, Mr. Quinn, the Committee on Judiciary had a very lengthy hear-

ing regarding this L. D. and much of the testimony given before the Committee was emotional. I tried to be as objective as possible and I based my conclusion on facts, and, because of certain statements made by a prominent member of the Medical Association in the State of Maine, as a matter of fact he is the President of the Maine Medical Association, I felt that I should vote "ought not to pass" in regard to this legislation. The President of the Maine Medical Association, appearing as a private physician, a man who lives and practices here in the State of Maine told us this—that he contacted the three largest hospitals of the State and received the following reports: Therapeutic abortions performed in these three large hospitals, or the three largest hospitals, were twelve during the past year ending 1966; the total of abortions refused were none; the total number of admissions to these three hospitals was 33,455. He further commented that, "No one can determine whether a grave physical or mental defect will be present before birth. It is a practical impossibility in any specific case to say with certainty before an abortion is performed that a 'grave physical or mental defect' will be present."

In regard to the curbing of illegal abortions, it is a fact that in areas where abortion is legalized there was a considerable increase in the number of illegal abortions. This is because those women who aim to be rid of an unwanted pregnancy are so concerned to preserve secrecy that they continue to seek help from unorthodox sources.

It is also a fact, ladies and gentlemen, that German Measles many times go undiagnosed, that it is a very difficult diagnosis to make, that there are no good objective tests by which the diagnosis of German Measles can be confirmed. These are facts.

In the medical profession today there are those physicians who sincerely believe that one patient could have German Measles several times and there are others that believe that one attack confers a life long immunity. The

fact is that the rash of German Measles is not characteristic of any particular disease. It looks like the rash caused by sulfa drugs, aspirin, strong liniment or even strawberries.

The present law is workable, necessary therapeutic abortions are being done in Maine. There is no need for any changes in our present law. Let's not play any guessing games with abortion and I would hate to think that the State of Maine would be one of the leading states insofar as the export of youth is concerned, insofar as the abortion laws are concerned, and be one of the last states insofar as education is concerned. And for that reason, I now move the indefinite postponement of both reports and when the vote is taken I request a roll call.

The SPEAKER pro tem: The Chair recognizes the gentleman from Livermore Falls, Mr. Darey.

Mr. DAREY: Mr. Speaker and Members of the House: I am one of the members of the Judiciary Committee that signed the Majority Report. Now, there are very few states, and this is according to the proponents of the bill, that have the so-called abortion law, according to the proponents there are only eight states and the District of Columbia. I'll read to you those states: Alabama, New Mexico, Colorado, Massachusetts, New Jersey, Pennsylvania, Oregon and Maryland. L. D. 1695, the aborted son of L. D. 478, has properly been defined as a bill designed to incorporate the psychiatrists' penchant for permissiveness into the law governing abortion in the State of Maine, and that is just what it is, a psychiatrists' penchant. You will observe that in the original bill under Section A that a certificate must be under the signature of a doctor of medicine specializing in psychiatry.

Now there are warning signals, red lights that appear in various of these bills that we are asked to consider and the first red light that appears in this bill provided for the certification of two physicians only, one of whom would be the person performing the abortion. Now, if any of you attended

that meeting, I know some of you did, I asked the proponent why only the two physicians, one of them who was to perform the operation, and his reply to that question was — well, that is according to the present law. That's why we incorporated it in this bill because that is the way the present law reads. Well, now if you'll just read R. S., Title 17, Sec. 51, there is nothing like this mentioned. What is proposed here is what you can term the buddy system. I'll O. K. yours, you O. K. mine. Now, they have changed this in the amended bill to a committee of three physicians, called a special hospital board of the hospital which is to perform the therapeutic abortion upon the certification of the psychiatrists. Now that's not a very significant change.

One of the many witnesses who appeared before the Committee was Dr. George E. Sullivan of Fairfield, the first and only time that I ever met the gentleman but he certainly made a favorable impression upon me and upon other members of the Committee. Unfortunately, Dr. Sullivan was not permitted to complete his full verbal report, he made the error of having passed his written report to the several members of the Committee; however, perhaps it was better that way because I have had a chance to review it not once but many times as have other members of the Committee, and have had an opportunity to analyze and confirm that report and I have come up with this answer, this 8½ page report contains a fair, honest, true and sincere appraisal of what we have before us today. Dr. Sullivan is a doctor of medicine, he has been practicing in the State of Maine since 1937. He is, at present, the President of the Maine Medical Association and now, as President of the Maine Medical Association or the AMA, the American Medical Association or, as in our case, the President of the American Bar Association or the President of the County Bar Association, his reports and his opinion, his statements are deserving of utmost credence. Such is the case of Dr.

Sullivan's report; I wish you all could read it.

On the first page he confirms the statement that he obtained records from the three largest hospitals in the State of Maine with the results as you have heard, and this is for the year 1966, you will recall that a hearing on our bill was March the first of this year. Now, of those three hospitals there were twelve therapeutic abortions performed and none refused, with the total admission of 33,455 patients, and Dr. Sullivan asked each one of those hospitals if there was any particular problem in that field, and the answer was "no."

From these figures it is very apparent that the existing present law is satisfactory and is workable.

Now another warning light, the red light of this bill under Statement of Facts of the proponents under "A", as a basis under which such abortions could be performed; the woman who has had German Measles within her first three months of pregnancy and having a 75 percent chance — that's the first time we get that percentage, that 75 percent chance of having a blind, deaf or severely retarded baby.

Now I made copious notes in that hearing and as has been pointed out the proponents — not the opponents — but the proponents in another report in their testimony gave this percentage 50 percent, high 50 to 75 percent. Another one of the proponents, 25 percent.

Now I was informed last Friday that the authentic records from Margaret Hague Maternity Clinic, a very large maternity clinic in Jersey City, New Jersey, indicate this to be 12 percent, and this morning from the report which I received from the New York Public Health Department, their record indicates as follows: 7 percent low, 10 percent high — that is the report from the New York Public Health Department.

Now I repeat — not 75 percent, not 50 percent, not 25 percent; perhaps 12 percent, or low 7 to 10 percent. Remember, here a human life is involved. This is not a time for guessing games.

Now for the legal aspects. We have a Rule of Law and I am going to mention this in view of the opposition of the proponents which contend that this is not a human life involved.

We have a Rule of Law handed down from the Sixteenth Century perpetuities as laid down in the Rule in Shelley's Case, the nightmare of every law student, in a decision by a friend of my good friend, the gentleman from Houlton, Mr. Berman, as laid down in Lord Coke, 1 Coke, 93A decided in 1599. The rule prohibits creation of interests in estates which by any possibility might not become vested within a life or lives in being, plus 21 years and with a period of 9 months thereafter — during the period of gestation.

Here we have the principle recognizing that in this period of 9 months there is a life involved — a legally recognized life with property rights. Again I repeat — life or lives in being. It may be groups such as this, the 103rd Legislature, until after the last one of us has gone, plus 21 years plus that 9 months in which that life is recognized with property rights the same as ours.

Now this Rule in Shelley's Case, the rule against perpetuities, has been handed down to us throughout the ages. It has been incorporated in the Maine Revised Statutes — Title 33, Section 101, and confirmed in the First National Bank versus DeWolfe, 134 Maine, 487, the opinion written by Chief Justice Dunn with Justices Sturgis, Barnes, Thaxter and Hudson concurring.

Now there is something else for us to be concerned here and that is the physicians' oath of Hippocrates, referred to as the "Physicians Hippocratic Oath." L. D. 1695 and the original bill 478 is in direct violation of the spirit and letter of this oath, which a medical student takes upon receiving his degree, that sacred oath which you see hanging on the walls of many of the doctors offices — in which a student raises his right hand and says, "I swear by Appollo the Physician, etc." ending up in the second paragraph, the last line of

that oath and I quote, "Furthermore, I will not give to a woman an instrument to produce abortion." I heard that oath administered not too many days ago to 116 medical students and I could not help but remember that hearing that we had on this bill and which we would soon be considering.

Now, in conclusion, I know that we will be mindful of the oath that we have taken, at the beginning of the session, that we will act for the good of the citizens, that we will act for the best of our Maine womanhood, that we will not substitute the Rule in Shelley's Case for the curet of the abortionist. That we will not exchange, alter or amend the Physicians Hippocratic Oath for the curet of the abortionist. That we will follow the report of the majority of the Committee. That we will accept the recommendations of the President of the Maine Bar Association and abort L. D. 478, L. D. 1695 and all its accompanying papers. In doing so, ladies and gentlemen, I am sure that we will make no mistake.

The SPEAKER pro tem: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker and Members of the House: I feel about as popular as a skunk at a lawn party on this particular bill but I do believe in the convictions. Much of these arguments have dealt with fourteen words in the bill, namely the part about the birth of a child who may have grave and permanent mental or physical deformity. I assure you that if the bill could be enacted with these words out; in other words that if the other members of Judiciary would have gone along with excluding those words, I certainly would have and I think the other members of the Judiciary Committee who signed the "ought to pass" bill would have. In other words, the portion of the bill which has been emphasized so much in argument is the part about the deformed child, the Helen Keller type child, and I am in sympathy with the comments of the good lady from Portland and the other people in respect to that portion of the bill; and perhaps if that part could be

amended and the gentleman from Bangor or the gentleman from Portland who is about to speak, Old Orchard Beach, and the other gentlemen would go along with that, I certainly would too.

But, I want to discuss now the bill in its present state, which is L. D. 1695. It's permissive legislation. It is nothing that requires that any of your children or grandchildren or friends have to be aborted. It is permissive in certain cases. Now yesterday the good gentleman from Bangor, Mr. Jameson, mentioned that prohibition in his opinion, was one of the bases of the breakdown of moral fiber. I submit to you that right now there is a prohibition under existing law that prevents abortion. I think we ought to repeal this prohibition just as I assume the good gentleman from Bangor wanted the prohibition of liquor sales repealed in years gone by. So, I hope that you will vote to repeal this prohibition.

This bill, which I want to have you glance at, is L. D. 1695. It requires that the lady who is to be aborted must give her written consent. You may wish to look at L. D. 1695 and I wish you would turn to it. At the bottom of the first page you see in the second line where it says there must be the "written request" of the woman. This isn't something that's half cocked, she has to submit in writing her request and then the rest, at the bottom of the first page it says with the written consent of some person to whom she is close, her husband or her father or guardian or something of that nature. So initially this abortion must be instigated by the woman in writing and by her husband or father or guardian, or someone of that nature. Then if you turn over to the very top of the next page you will see there must be "written certification" by members of a special hospital board. Now we don't want to have some quacks that are going off half cocked and authorizing abortions. Instead, we have tried to word the bill so that a board of a hospital will be set up and you must have the written

certification by the members of that board.

Then, as you see there is to be a special hospital board created. Now, basically the abortion will be permitted in just a few certain cases. First — the first two I'll take together are rape and incest. Now, in the case of rape it seems to me that there are two lives that are damaged by a rape — not only the girl who has been raped, which is one of the most hideous crimes I think we will all agree, but the child who is born from this unfortunate union. The child, think of the child who would come into the world under a rape situation and think of the girl who has been raped, hasn't the victim been punished enough? The mere fact that she has been raped and gone through the pain and suffering that she has, must she be coerced or forced to bear the child for the full term of her pregnancy?

And what of the stigma? Some ten, twenty, thirty years later people will remember if she had had a baby out of wedlock, where as if she was aborted early in her pregnancy, only the doctor and her family would know of it. And then incest, one of the most horrible crimes there is, when you take some young, presumably teenage girl, who is living with an uncle or cousin or someone immediately in the family, after she has become pregnant on the incest, to whom does she turn? She would turn, wouldn't she, to the member of the family with whom she is living and it wouldn't be until she was well into her pregnancy that she would know that she was pregnant, and therefore it seems to me to give the unfortunate victim of incest some break, permit her to be aborted.

Just think back when you people were in your teens, when you first came to the age of puberty, what did you know about these things? I read in Ann Landers column just a week or so ago, some girl wrote in, wanted to know what to do in case of a social disease. So, I ask you to think of these teenagers, the girl who has been raped or became pregnant from incest; and if just for those

two categories, this bill should be enacted.

I'm not going to discuss the part about the child who may be deformed or mentally deformed, that has been discussed. As I said if that part of the bill, those fourteen words, which are on the second page of the bill, if those words were taken out that would be fine with me. But I do want to discuss the mother who may undergo such a mental strain that she will have to be confined to a mental institution. We have talked about 50-50 or 75%. I'm going to take a situation of four to one. If you, each of you would look two seats to your left and two seats to your right so that you are thinking of five people. If a beloved woman in your family, or one of the other four families of those next to you were to be committed because of a pregnancy, wouldn't you be in favor of an abortion? Wouldn't you want that one out of five to have the opportunity to be aborted? I believe last week most of you saw our family, our five children. They need their mother. If per chance my wife should become pregnant and four other gentlemen here, just perhaps the gentlemen I see four, the gentlemen like Mr. Rocheleau, Mr. Starbird or Mr. Nadeau or Mr. Levesque, if our five wives should become pregnant and each of our doctors should tell us that if you go through with these respective pregnancies, one of those five wives will be committed to a mental institution, don't you think that it would be proper that these five women be aborted so that they could stay with their families, stay with the children who need them, need the loving care that only a mother can give?

Why, there's no question but all of us would gladly get medicine for our wives or loved ones if they were sick, we would go through snowstorms gladly, go through blizzards to get some medicine for our spouses. But in a situation I have just presented, if the odds were only one out of five, or twenty percent that the mother, my wife or the other gentlemen's wives, were to be committed so that she

could not stay and take care of her children, wouldn't it be just that if they wanted, that they could be permitted to have that abortion? This is strictly permissive legislation. It is not mandatory. If the other four gentlemen I just mentioned don't want to have their wives aborted, nor if the wife doesn't want to, then that is perfectly alright. But why not permit some woman who is subject to being confined to a mental institution, suffer emotional and mental problems, allow that person—(interrupted by Speaker pro tem)

In short, it seems to me that this is just a bill of legal abortion versus illegal abortion. A University of Maine instructor spoke at the hearing and said that he estimated there were from 1,000 to 5,000 illegal abortions in Maine at the present time. I think he is way too high. He said that was based on national average but I think we all know that there are illegal abortions going on at the present time. This bill would provide safe abortions with modern medical techniques and, in my opinion, if we enact this bill it would just be keeping the laws of the State of Maine up with improved medical science. I thank you.

The SPEAKER pro tem: The Chair recognizes the gentleman from Portland, Mr. Brennan.

Mr. BRENNAN: Mr. Speaker and Members of the House: As a member of the Judiciary Committee and a signer of the "ought not to pass" report, I would like to say I see no necessity for passage of this bill at this time. Let us not hastily turn the State of Maine into a social laboratory. Let us wait and observe and analyze the results of the passage of a similar bill in Colorado. Furthermore, I submit that a decision on this bill need not be made on the basis of a religious reasoning. I feel that we can make our decision on the basis that a need has not been shown for passage of this type of legislation.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Portland, Mrs. Carswell.

Mrs. CARSWELL: Mr. Speaker and Members of the House: I first of all would like to ask that the House forgive me for getting up again so soon. I do want everybody who wants a chance to be able to talk on this and I'll try not to get up again, but I felt that I had to answer the gentleman from Cape Elizabeth, Mr. Hewes. My doctor tells me that the trauma that a woman suffers after an abortion is so terrible that she could also end up in a mental institution, so I think that weakens the argument that he just gave. And the proposal also to do away with the section on page 2, Section A, which includes impairment and physical defects and so forth, the gentleman suggested that perhaps an amendment be made. Well, it seems to me that we had L. D. 478, now we have 1695, and before we get another one we had better kill this one.

The SPEAKER pro tem: The Chair recognizes the gentleman from Sanford, Mr. Nadeau.

Mr. NADEAU: Mr. Speaker and Members of the House: After all these able speakers, I hate to get up on this subject, but I must. First of all, I'll give you a reason why. If I can have your attention just for one minute, you are all invited to inspect these letters. There's not hundreds of them, there's thousands of signatures here, all against this abortion bill. You are all invited. And I would like to remind you gentlemen before you vote. Some of these letters are from Portland, South Portland, Sanford, Springvale, Auburn, Lewiston, and from the fine town of Cape Elizabeth, Brunswick, Topsham, Van Buren, Livermore Falls, Chisholm, Waterville, Fairfield, Skowhegan, Winslow and many others, and they are all here for your inspection. I could bore you with a lot of things that some of them said because some of these are so touchy that I'm afraid that if I read them to you we'd be crying in here.

I have one here that said I will not give the name because the child is retarded, "Who are you to tell me that I don't have the right to my retarded child?" I have another one here signed but

I can give this name, it's from Waterville, person by the name of Gilbert or Ackeley, either one of these, the family have seven children, they say they don't want to be deprived of this life. I have one here from a person that says here, and this is from Augusta, I'll just pick some of the points — "I am ashamed to say that as a resident of Augusta, I voted for a man who eventually was voted to a position of leadership in the Senate," in the other house, "and who used his position to vote for this bill. I shall reconsider myself at the next election." I would like to remind you folks of this, she says, "How can so-called intelligent men of your caliber in the House or the Senate, vote to pass a bill to spare the bulls by outlawing bullfighting but support a bill that will take the life away from someone creative." And remember we did pass a bill, not to injure the bulls, mind you.

Now, at the hearing we had mothers that had retarded children, we had mothers that had children that were deaf and dumb; they all spoke. Those of you that were not there, you really missed something. Now, this is why I have shown you all these letters and mind you, I have petitions here that carry, one petition carries nearly a thousand names. Come take a look at it, I invite you, they are from practically everyone's home town that's here and remember, I will see that this proof is sent to your home towns and I hope you will use good sense and common sense in voting correctly in defeating this bill.

Now, in Sunday's article, did you notice Sunday's article? It said here that Maine had the third highest illegitimate babies in the country. Do you know that if we pass this bill we're not going to be third, gentlemen, we're going to put Maine on the map. You know, let Maine be first, we will be number one if you pass this bill. And it says "Let's Keep the People in Maine" or "Let's Draw People Into Maine." Well, if you pass this bill, I assure you you are going to draw people into Maine. And if this is the type of people

you want, by permitting these abortions, by passing this bill, then go ahead and pass this bill, but I certainly hope in closing, if you people will back up these many fine gentlemen and lawyers who spoke before this indefinitely postponing, but I must read this and this comes from a person, it says, "Besides this, abortion can physically and mentally harm the mother because it's unnatural." This is only one sent. It says, "this is our term of abortion, our firm convictions as to tomorrow's parents; but perhaps we're wrong, perhaps we can take life that has not yet seen the world."

Well then, can we take the life of a child, of a year old child, suffering from leukemia or some other deadly disease and is it possible that we deliberately kill a Siamese twin that the other might live; if so, which one will we choose? Hardly a decision to make and yet it is exactly what we are doing in an abortion. Will it be the mother or will it be the child? And in closing, please support and these thousands of hundreds of signatures from your town, your city and my town, please help support this indefinite postponement of this bill.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker and Members of the House: I, too, have had mail in regard to this bill and the heavy preponderance of mail which I have received has been in support of the abortion bill. Therefore, I rise in opposition to the motion to indefinitely postpone the bill. I feel that this is permissive legislation, it's not mandatory. If a person has religious convictions, or otherwise, that forbids the use of such a law, that's entirely up to the individual. This is permissive, and I cannot understand why others that have no religious scruples in opposition to it, should not have the advantages that would be provided by this bill.

If you will refer to page 2 of the new draft, L. D. 1695, you will see where it refers to the special hospital board of three doctors, and I

have faith in the integrity and honor of our doctors. I don't think we need to worry about indiscriminate practice of this under such a bill and I think few of us realize the very strict regulations of the hospitals, the general hospitals, and such abortions would have to be done in the recognized hospitals.

For the record, I would like to read you a letter that I received in support of this bill, and I quote, "I am writing this letter as an individual citizen. I belong to no group which is pressuring me to present the viewpoint of the group. However, as an individual, a teacher, and one who has done considerable study of the social sciences, I believe our laws on abortion, passed at a time when we were trying to increase our population, need changing.

"We must also remember that our present laws were passed at a time when medical science had no way of predicting the possibility of serious birth defects and when the operation inducing abortion was a very serious threat to the life of the patient.

"The argument that the embryo or early fetus is a life is rather specious, who would seriously claim that this embryo or early fetus possesses a knowledge of life or a sense of identity?

"It is also rather illogical to argue that we have no right to terminate this purely biological life, since every time we order a bombing mission we in effect decide to terminate the lives of both bombing victims and crew members of the planes in unknown numbers, some of whom are almost certain to be as innocent as an embryo or a fetus. We justify this by believing that we are combating or removing a threat to the nation, the world or society.

"Why do we not have the same right to terminate the development of an unconscious embryo or fetus which responsible medical scientists or doctors have decided is a threat to the life, health or mental well-being of the mother? Not to mention the probable or possible menace or burden to a society which is approaching a population

level which is a threat to the existence of mankind itself.

"For all of these reasons, I support the proposed measure before the legislature."

And if any member of the Legislature would like to look at this letter and see the signature, I would be happy to supply it. The good gentleman from Old Orchard, Representative Danton, mentioned that it's almost impossible to identify German Measles. In answer to that I would like to read a letter which I received from Mary Miller Dietrich, M.D., of Orrington and this is in part and I quote:

"The recently acquired laboratory test for diagnosing german measles, now puts the criteria for a therapeutic abortion on a solid basis, in the case of an early pregnancy. Much heart break, as well as suffering and expense to individuals, as well as the State can thus be avoided. This is good prophylactic medicine, as well as consistent with Public Health Theory.

"The American Medical Women's Association has taken definitive action, at their House of Delegates meeting last November, in Washington, supporting more liberal laws regulating therapeutic abortion. This resolution cites our concern with (1) the health and welfare of women and of families; (2) the estimated one million abortions performed each year in the United States, of which only about 18,000 are performed in accordance with medical standards of safety; and (3) the 10,000 deaths each year from the complications of criminal abortions. The resolution calls for uniform state laws conforming to the recommendations of the American Law Institute, or the American College of Obstetricians and Gynecologists, permitting abortion after appropriate consultation, for reasons affecting the physical or mental health of the mother or the child. The resolution was passed without a dissenting vote."

I would like to state that I am a member of the Methodist Church in Maine, of which there are 34,000 members, and I received this telegram yesterday addressed to me at the State House: "Vote yes on Abortion Bill. Vote of Annual

Conference of Maine Methodist Churches overwhelmingly supports proposed changes in abortion legislation. We support bill strong as concerned Christian citizens. We urge your support for passage," and this was signed A. Stanley Getchell, Chairman of Commission on Christian Social Concerns, Methodist Church, Bangor and also by Reverend James M. Young and Reverend J. Allen Broyles.

I oppose the motion to indefinitely postpone this bill and I hope that the House will vote to accept the new draft, L. D. 1695. Thank you.

The SPEAKER pro tem: The Chair recognizes the gentleman from Portland, Mr. Conley.

Mr. CONLEY: Mr. Speaker and Members of the House: I would just like to quote from a recent medical publication from one of my area's local hospitals. It states as follows and I quote:

"Is the unborn child a human being? This is the crux of the entire matter. I find it hard to believe that a mother who feels the stirrings of life within her has any doubt that this is a distinct human being.

"Those of us who have been present on the occasion of a spontaneous abortion and have watched the feeble spasms of the fetus can have little doubt that this is a distinct human being. Even legal decisions are beginning to recognize the fetus as a human with the rights of a human person. Only this past month, the New Jersey Supreme Court rendered a decision which stated 'that a child however defective and mentally retarded, has a right to live and it is paramount to any right presumed by the parents to destroy him before birth.' This decision was rendered against the parents who had sued two doctors who refused to abort the mother when she contracted German measles during her pregnancy."

I will stand this morning to go on record as being strongly opposed to this bill and my personal feeling that the title of this bill has been titled wrong, because in my own mind I feel it to be an act of legalized murder.

The SPEAKER pro tem: The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker and Members of the House: I sit here for quite a long time this morning listening to the arguments, mostly against this bill, and I am heartily in agreement with them. I was well aware that the Maine Conference of the Methodist Church took a stand in favor of this bill, and I'm a Methodist and I heartily condemn their action. They do not speak, in this particular matter, for the bulk of the Methodist Church in this State, I do not believe. They certainly don't speak for me in this matter.

Now, it seems strange that many of the church groups, many of the organizations that would go on record in favor of legalized abortion, would also condemn capital punishment. In other words, a murderer would be able to have his trial and be put in prison and live out his life, at least have life, and a person unborn would be condemned without trial, without a chance to speak in his own defense. I can hardly call this fair. I know a boy who is about twenty years old now, he was deaf, he's called a deaf mute because he cannot speak intelligently simply because he has never heard anything. He's the type they call stone deaf. He was born that way. And yet, he is a highly intelligent boy. I have known him for many years. He is deaf because his mother had German Measles so they say, before he was born. Can we stand and pass a judgment of execution on his kind? Can we condemn a person to death simply because they are deaf? I leave that to your judgment.

Another thing that I might add, to some extent amusing — this thing in its entirety isn't amusing. I think I heard the gentleman from Cape Elizabeth, Mr. Hewes, mention cousins as being within the prohibited degrees, and I might mention that there are persons in my own locality who have married who are first cousins. My grandparents on one side of the family were cousins. I think cousins are permitted to marry in this State

and I don't think that this connection would be regarded as incest. So, I think that fairly sums up what I have to say on the subject and I fully concur with the gentleman from Bangor, Mr. Quinn. I think he has amply stated the position that I hold.

The SPEAKER pro tem: The Chair recognizes the gentleman from Baileyville, Mr. Townsend.

Mr. TOWNSEND: Mr. Speaker and Members of the House: I am wholeheartedly against this bill. My reason for being this, was that I was born a blue baby. Thank you very much.

The SPEAKER pro tem: The Chair recognizes the gentleman from Portland, Mr. Sullivan, and welcomes him back to the House.

Mr. SULLIVAN: Mr. Speaker and Members of the House: I'm glad to be here. I'll tell you the reason I was absent for a couple of hours, because they were interviewing me. And as usual I went into detail on my ideas and beliefs.

You know I am very pleased this morning to see that we have so many experts in medicine, we have so many experts that are surgeons, we have so many and their supporters who seemingly are wonderful psychologists, psychiatrists. You know it pleases me very much to know that we have so many in this Legislature and their friends that know so much about everything. As far as I know, there is no one in this House, with one possible exception, that knows everything about everything, and I believe he would admit that he doesn't know everything about everything, and his name is Representative Sumner Pike.

Now, in my opinion, there is no one person that knows everything about everything in one particular field, not all of these fields which certain people and members of this Legislature indicate that they know all about. Now, let's face the facts. It so happens in the past five years I try to choose my doctors like everything else, on the basis of their knowledge—not on the basis of their religion. One of my surgeons happened to be Dr. Ives and Dr. Ives' mother was Reverend Hilda Ives, and in talking with Dr. Ives at one time, approximately

three and three-quarters years ago, he made the following statement: There were 2% of the doctors he would consider excellent, and he further said that the excellent doctors agree with him and he said there were another ten or twelve percent that he would consider good, and he said it went down rapidly from there, and I asked him about the lower 25%; well, he said, let me give you an illustration.

He said that the lower 25% he said, yeah, they have a degree, but he said many of them are out and out racketeers. He said they get a patient, maybe it's Monday, and that patient usually is a woman because there are more women that goes to doctors than men, and he said they could probably, that particular doctor could probably give the woman some simple medicine, maybe an aspirin tablet or an anacin, or some simple medicine, and tell them, you call me and let me know if this doesn't work allright or it doesn't help you. But instead of that, they say, they shake their heads and say, you had better come back and see me next Monday. Now when they get back next Monday they have to come in the following Monday and they keep them coming every week if they possibly can. What, to help them? No—for that fee they get every week, and that type of doctor does most of those patients more harm than good because they get their minds working against themselves. In many instances, in addition to taking the money away from the patient, they put them in ill health. Many times I believe they even put them in mental institutions.

Now, when some of these people get up here and make these statements, they are absolutely ridiculous. It so happens that I have signatures or letters of about approximately 3,750 people; and for the benefit of that very smart lawyer, Mr. Hewes from Cape Elizabeth, I have 86 letters from Cape Elizabeth and 76 of them against this abortion bill and only 6 in favor of it; and because apparently, as has happened many, many times before in this State, certain

individuals apparently are slightly prejudiced because of their lack of knowledge.

Now being a member of all churches or houses of worship that believe in a higher power, I am a member of them all in spirit, and I have gone to the Methodist church probably a hundred times, and I was in the Methodist church sometimes twice a week in the years after August '45, all during '46 and into '47 when —

The SPEAKER pro tem: The Chair recognizes the gentleman from Baileyville, Mr. Townsend.

Mr. TOWNSEND: Mr. Speaker, whether we have a quorum or not.

The SPEAKER pro tem: The question of a quorum has been raised. Will all the members in their seats please vote yes and the Chair will open the vote.

A poll of the House was taken.

The SPEAKER pro tem: Seventy-six being a quorum and there being less than seventy-six members in the House, I will declare the House in recess for five minutes.

After Recess

Called to order by the Speaker pro tem.

The SPEAKER pro tem: The Chair would respectfully suggest that so a vote can be taken on this matter before lunch sometime that the members who wish to debate please limit their debate to a few moments because we have heard almost all of the points to be covered I believe.

Mr. JALBERT: Mr. Speaker!

The SPEAKER pro tem: The Chair now recognizes the gentleman from Portland, Mr. Sullivan.

Mr. SULLIVAN: I beg your pardon, I have the Floor if you don't mind, Mr. Jalbert.

The SPEAKER pro tem: The House will be in order.

Mr. SULLIVAN: I think that about everything that can be said on this thing has been said, and nothing I would say would probably change one vote, so let's vote without any more talking or speeches. You can demonstrate how you feel by your vote. The proof of the pudding is in the eating. Thank you.

The SPEAKER pro tem: The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Meisner.

Mr. MEISNER: Mr. Speaker, Ladies and Gentlemen of the House: I am going to obey the order and be very brief, but I just want to stand up here and let it be known which side of this question I am on, and I want to go on record as being absolutely opposed to this bill. I have thought very much about this bill ever since I knew it was in the hopper. I have contacted very many doctors and since I have come to the serious conclusion, because this is a serious bill, it has to do with the taking of life, and I don't want to go along with this bill for that reason, and I hope you will go along with the indefinite postponement.

The SPEAKER pro tem: The Chair recognizes the gentleman from Lewiston, Mr. Minkowsky.

Mr. MINKOWSKY: Mr. Speaker and Honorable Members of this Body: As far as I am personally concerned, this L. D. has been debated quite fully and I don't intend to belabor this issue any longer. I just want it known and on record so that my constituents in Lewiston will have no misunderstanding about my stand, that I am wholeheartedly opposed to this legalized abortion measure.

As Representative Quinn stated, let's kill this legalized abortion bill and not the child, and he is absolutely correct. I urge you to vote for the indefinite postponement of this bill. This is definitely a life and death measure which will have shocking results if enacted. Thank you.

The SPEAKER pro tem: Is the House ready for the question? The question now before the House is on the indefinite postponement of this bill and all its accompanying papers. The gentleman from Bangor, Mr. Quinn has requested a roll call. 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 in favor of a roll call will vote yes, those opposed will vote no and the Chair opens the vote.

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 pro tem: The pending question is on the motion of the gentleman from Bangor, Mr. Quinn, that Bill "An Act relating to Unjustified and Justified Abortions," S. P. 215, L. D. 478, and both Reports be indefinitely postponed. All those in favor of the indefinite postponement will vote yes, those opposed will vote no and the Chair opens the vote.

ROLL CALL

YEA — Baker, R. E.; Bedard, Belanger, Beliveau, Berman, Binnette, Birt, Boudreau, Bourgoin, Bradstreet, Bragdon, Brennan, Brown, Buck, Burnham, Carey, Carrier, Carroll, Carswell, Champagne, Clark, Conley, Cote, Cottrell, Couture, Crockett, Curran, D'Alfonso, Danton, Darey, Dennett, Drummond, Dudley, Dunn, Eustis, Ewer, Fecteau, Fortier, Fraser, Gaudreau, Gauthier, Gill, Giroux, Harnois, Hawes, Healy, Henley, Hennessey, Hichens, Hodgkins, Humphrey, Hunter, Immonen, Jalbert, Jameson, Kilroy, Kyes, Lebel, Levesque, Martin, McMan, McNally, Meisner, Miliano, Minkowsky, Mosher, Nadeau, J. F. R.; Nadeau, N. L.; Noyes, Pendergast, Prince, Quimby, Quinn, Rackliff, Robertson, Robinson, Rocheleau, Sawyer, Scribner, Snowe, P.; Soulas, Starbird, Sullivan, Townsend, Trask, Truman, Watts, Wheeler, White, Wight.

NAY — Allen, Baker, E. B.; Benson, Bunker, Cornell, Crommett, Cushing, Dickinson, Durgin, Foster, Fuller, Hall, Hanson, B. B.; Hanson, P. K.; Harriman, Haynes, Hewes, Hinds, Huber, Jannelle, Lewis, Lincoln, Littlefield, Mad-dox, Philbrook, Pike, Porter, Richardson, G. A.; Richardson, H. L.; Rideout, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Shute, Snow, P. J.; Susi, Thompson, Wood.

ABSENT — Bernard, Cookson, Crosby, Drigotas, Edwards, Evans, Farrington, Hanson, H. L.; Harvey, Hoover, Jewell, Kennedy, Keyte, Lewin, Lycette, Payson, Roy, Tanguay, Waltz, Williams.

Yes, 90; No, 39; Absent 20.

The SPEAKER pro tem: The Chair will announce the vote. Ninety having voted in the affirmative and thirty-nine having voted in the negative, the bill is indefinitely postponed in non-concurrence and will be sent up for concurrence.

The Chair recognizes the gentleman from Bangor, Mr. Quinn.

Mr. QUINN: Mr. Speaker, I move we reconsider our action and I hope everyone will vote against me.

The SPEAKER pro tem: The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker, I certainly hope that we will follow the recommendation of the gentleman from Bangor, Mr. Quinn and all vote no.

The SPEAKER pro tem: All those in favor of reconsideration will say yes; those opposed will say no.

A viva voce vote being taken, the motion to reconsider did not prevail.

The SPEAKER pro tem: Is there objection to taking up a matter on Supplement Number One of the House Advance Journal and Calendar? The Chair hears none, the Clerk will read the Order.

From the Senate: The following Order:

ORDERED, the House concurring, that the Committee on Appropriations and Financial Affairs report a Bill that will provide additional funds for the expenditures of State Government for the fiscal years ending June 30, 1968 and June 30, 1969 (S. P. 687)

Came from the Senate read and passed.

In the House:

The SPEAKER pro tem: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker, may I inquire from the Chair if this is the omnibus bill for the financial package?

The SPEAKER pro tem: The gentleman from Madawaska, Mr. Levesque poses a question through the Chair to any member who may answer if they so choose.

The Chair recognizes the gentleman from Lewiston, Mr. J'albert.

Mr. JALBERT: Mr. Speaker, I move this order lie on the table until tomorrow.

Mr. Richardson of Cumberland requested a division on the tabling motion.

Mr. JALBERT: Mr. Speaker, am I in order to withdraw my tabling motion?

The SPEAKER pro tem: You may withdraw your tabling motion.

Mr. JALBERT: Mr. Speaker, I withdraw my tabling motion. Mr. Speaker and Members of the House: I am a member of the Appropriations Committee; I am fully aware that I am in the minority; I am fully aware that I have no title, but the fact of the matter is that I am a member, I couldn't answer the question of the gentleman from Madawaska, Mr. Levesque, and I can appreciate that possibly the gentleman—not possibly, I can appreciate that the gentleman from Cumberland, Mr. Richardson would know more about what is going on around here than I do. But by the same token, I assure you of one thing, that as far as party measures are concerned, I go right down the line on them, as far as financial matters are concerned, I want to know what these things are all about, and I intend to know what they are all about. I don't know anything about this order and I am asking somebody to table this order until tomorrow.

Thereupon, on motion of Mr. Richardson of Cumberland, the order was tabled pending passage and assigned for later in today's session.

Mr. J'albert of Lewiston was granted unanimous consent to briefly address the House.

Mr. JALBERT: Mr. Speaker and Members of the House: I just have read the order as distributed and I would suggest that the supplement that I didn't read carefully would call for unanimous consent to take up this matter. However, the thing has been properly tabled so we will let things well enough alone.

Mr. Richardson of Cumberland was granted unanimous consent to briefly address the House.