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man, Kelley, R. P.; Kilroy, LaPointe, Lawry, Lewis, E. Lynch, Mahany, Martin, McHenry, McKernan, McMahon, McTeague, Mills, Morin, L.; Morin, V.; Mulkern, Murchison, Murray, Najarian, O'Brien, Peterson, Pontbriand, Rollins, Ross, Sheltra, Talbot, Tanguay, Theriault, Tierney, Walker, Webber, Wheeler, Whitzell, Wood, M. E.

ABSENT — Binnette, Birt, Brawn, Brown, Cameron, Carter, Churchill, Cressey, Curran, Dam, Donaghy, Dow, Dyar, Evans, Faucher, Fecteau, Gauthier, Hancock, Henley, Herrick, Immonen, Kelleher, LaCharite, LeBlanc, Littlefield, McCormick, Norris, Ricker, Rolde, Santoro, Smith, D. M.; Stillings, Strout, Trumbull.

Yes, 47; No, 69; Absent, 35.

The SPEAKER: Forty-seven having voted in the affirmative and sixty-nine in the negative, with thirty-five being absent, the motion does not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

The Chair laid before the House the fifth tabled and today assigned matter:

Bill "An Act to Provide Protection of Fetal Life and the Rights of Physicians, Nurses, Hospitals and Others Relating to Abortions" (H. P. 1559) (L. D. 1992).

Tabled — June 4, by Mr. Simpson of Standish.

Pending — Passage to be engrossed.

Mr. Huber of Falmouth offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-493) was read by the Clerk.

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

Mr. HUBER: Mr. Speaker and Ladies and Gentlemen of the House: I am sure you all realize that Maine now has no valid abortion law due to the Supreme Court decision on January 22nd of this year and the subsequent U. S. District Court judgment on February 20th. Many of you also know, at least some people would like to pass L. D. 1992 and nothing else. This is a politically attractive idea but it equals abortion on demand. It would allow abortion up to the day of birth.

The title of L. D. 1992 is An Act to Provide Protection of Fetal Life and the Rights of Physicians, Nurses, Hospitals and Others Relating to Abortions. The Supreme Court defined legitimate state interests in the protection of maternal health and protection of potential human life in the third trimester of pregnancy. L. D. 1992, without the amendment protects hospitals, doctors and to some limited extent the fetus, but not the mother or the potential life of the fetus in the third trimester.

What would the amendment do in addition to the limited protection provided by L. D. 1992? First, it gives a clear statement requiring a physician, either a regular physician or an osteopathic physician to perform an abortion throughout the term of pregnancy. Second, it requires hospitalization for abortion procedures after the 12th week and hospital bylaws are really where most medical standards and medical guidelines are applied and enforced.

Third, it would prohibit after 24 weeks, abortion procedures, except when necessary in the professional judgment of a physician, to protect the life or health of the mother and the judgment would be filed with the department of Health and Welfare in writing. Again, remembering that title of L. D. 1992, which is said to provide protection to fetal life and others relating to abortions, I would like to note that this amendment would also require the consent of the husband, when husband and wife are living together, married. It would also require the consent of a minor herself in addition to consent of her parent, parents or guardian, which is required normally.

It would also incorporate certain provisions of the gentlewoman from Lewiston, Mrs. Berube's L. D. 1887, which provides for filing of certain data with the Department of Health and Welfare concerning abortion procedures. The unamended L. D. 1992 provides no definition of abortion

and again, I would like to remind you that our past abortion law has been completely invalidated by U.S. District Court judgment. This is where the definition of abortion was contained in the Maine law. Further, it doesn't repeal Title 17, Section 51, which is Maine's old law, which, as I said, is invalid.

And finally, I would like to remind you that the bill as amended would not impose abortion procedures on anyone against their own personal wishes. This amendment provides, I feel, important protection for Maine citizens in the area of maternal health and protects the state's interest in potential human life after viability. Without this amendment, abortion would be available with no restrictions right up to the day of birth. In short, without this amendment, Maine would have abortion on demand, with no regulation except that provided by normal regulations governing physicians.

I don't think this is acceptable to anyone and I am sure you will agree with me. With this amendment, Maine would have as strict regulation as legally possible under the recent Supreme Court decision. I hope this body will reject abortion on demand and will adopt this amendment in the protection of life and health of Maine citizens and for the protection of potential life.

Ladies and gentlemen, I realize this amendment represents, what I am told, is a somewhat unorthodox approach to a touchy political problem. As I said, there are those who would like to do little or nothing in order to ignore the Supreme Court decision. Politically this would be a route to take. I decided that the clearest demonstration to the additional regulation and protection that could be provided under the Supreme Court decision was to present this in amendment form and let this body make its own decision.

I am sure that all of you know this amendment is essentially my bill to regulate abortion procedures as strictly as is allowed by the Supreme Court decision, which is L. D. 1529, except that I have deleted the two sections in my bill that covered the same subjects as Representative Jalbert's bills.

My bill, as you know, is still in committee; it has not been reported upon. Because it would be so politically attractive to vote on L. D. 1992 and then do nothing else, I thought it would be best to at least give this body a chance to consider the entire subject one time and to realize the passage of L. D. 1992 alone represents unregulated abortion or abortion on demand.

I do not mean, by presenting this amendment, to undercut the committee system in any way, but do want to take the only way I can think of to make a clear presentation of the choices before this legislature. Do we want unregulated abortion or do we want to control this procedure as strictly and as legally as possible? The only other way I can think of to present this choice to the legislature was to have this bill tabled unassigned for two days at a time until my bill is reported out of committee so these two bills can be considered together. I was told that this could not be done. If someone wants to so move, I will gladly support this approach and would hope that the House would support it also.

This amendment presents a choice between regulated abortion and unregulated abortion. This House will decide what is best for the people of Maine.

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

Mrs. BAKER: I move this bill be tabled unassigned.

Thereupon, Mr. Jalbert of Lewiston requested a vote on the motion.

The SPEAKER: The pending question is on the motion of the gentlewoman from Orrington, Mrs. Baker, that this matter be tabled unassigned. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Simpson of Standish requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have

the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentlewoman from Orrington, Mrs. Baker, that this matter be tabled unassigned. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Briggs, Brown, Bustin, Cameron, Chick, Clark, Connolly, Cooney, Cottrell, Cressey, Crommett, Davis, Donaghy, Dow, Emery, D. F.; Farnham, Flynn, Gahagan, Good, Greenlaw, Hamblen, Haskell, Huber, Hunter, Jackson, Kelley, Kelley, R. P.; Knight, LaPointe, Lawry, Lewis, J.; MacLeod, Maddox, Maxwell, McMahon, Merrill, Morin, V.; Morton, Murchison, Najarian, O'Brien, Peterson, Rollins, Ross, Shaw, Silverman, Smith, S.; Snowe, Talbot, Trask, Trumbull, Tyndale, White, Willard.

NAY — Albert, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Bunker, Carey, Carrier, Carter, Chonko, Conley, Cote, Dam, Deshaies, Drigotas, Dudley, Dunleavy, Dunn, Dyar, Evans, Farley, Farrington, Fecteau, Ferris, Finemore, Fraser, Garsoe, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Hobbins, Hoffses, Jacques, Jalbert, Kauffman, Kelleher, Keyte, Kilroy, LeBlanc, Lewis, E.; Littlefield, Lynch, Mahany, Martin, McHenry, McKernan, McNally, McTeague, Morin, L.; Mulkern, Murray, Norris, Palmer, Parks, Perkins, Pontbriand, Ricker, Sheltra, Shute, Simpson, L. E.; Smith, D. M.; Soulas, Sproul, Stillings, Strout, Susi, Tanguay, Theriault, Tierney, Walker, Webber, Wheeler, Wood, M. E.

ABSENT — Churchill, Curran, Curtis, T. S., Jr.; Faucher, Hancock, Henley, Herrick, Immonen, LaCharite, McCormick, Mills, Rolde, Santoro, Whitzell.

Yes, 56; No, 80; Absent, 14.

The SPEAKER: Fifty-six having voted in the affirmative and eighty having voted in the negative, with fourteen being absent, the motion does not prevail.

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

Mr. JALBERT: Mr. Speaker and Ladies and Gentlemen of the House: It is not my intention this morning to speak on the merits or demerits of either 1992 or the amendment. It is my intention to speak on philosophy and procedure.

At the hearing on this measure, on these bills, they were all heard at the same time. L. D. 887, L. D. 888, L. D. 952, L. D 953, L D. 1854, and L. D. 1529, which is, in itself the Huber bill. The committee, in its judiciouness, studied the bills and reported out in committee, reported out under new draft last Friday, on page 8 of the calendar, a bill relating to the immunity of persons or hospitals refusing to perform or assist in abortions, House Paper 740, L. D. 553, reporting "ought to pass" in new draft, House Paper 1559, L. D. 1992 and under the new title, An Act to Provide Protection of Fetal Life and the Rights of Physicians, Nurses, Hospitals and Others Relating to Abortion. This meant a combination of L. D. 952, 953, 888 and 1824. It left in committee, L. D. 1529.

Last night, quite late, I spent a great deal of time contacting several former officers of this body and several individuals who are former members of this committee who served on the Judiciary Committee. And my question after an explanation of this procedure, was has this ever been done before? The answer was an immediate no.

I can recall back at the beginning of the session when a member—and I can understand any freshman member making any comments or any errors—I can remember when a member, after a bill came out under 17-A, asked to speak, asked for unanimous consent to address the House and then when granted started to speak on that bill. If that procedure

would be followed, I mean we may just as well not have 17-A.

This measure here simply means this: L. D. 1529, which is this amendment—this is the bill and this is the amendment. The amendment is very very much substantially the same as the bill, and whatever changes could be made are so minor, they could be made by committee amendment. And as I state, I do not want to, in any way, debate either 1992 or the amendment. This very definitely circumvents the action and intent of the Judiciary Committee.

This simply operates in this fashion. Let us say that I have a bill that is rather a poor bill or controversial or could be in trouble, and let us say that any of you people in this House have a bill that has been reported out with the unanimous "ought to pass" committee report and my bill is still in committee. I turn around and I draft an amendment, which is exactly the same as the bill that is in committee and present that amendment while the other bill is still in committee.

I have had over the years some very pleasant and I mean pleasant, hectic sometimes, discussion with my very dear friend, and I do not say the word loosely by an means, the gentleman from Bath, Mr. Ross, concerning this problem. I wanted to be fair about the situation and I met him this morning outside of this House, where the gentleman from Falmouth, Mr. Huber, whom I think has been very badly misinformed in this thing, but I didn't ask the question in a way that it would necessitate hesitation, I asked the question in a fair manner. I said, "Rodney, have you ever seen this done before?" Immediately the answer was no. It has not and never been done before. I would like to see this measure pass as it is and then have the Judiciary Committee act upon 1529, which is substantially very much this amendment and if the good gentleman from Falmouth, Mr. Huber, wants to amend it, this is perfectly all right, and then we would debate the issues as they are.

I spoke today to one member of the Judiciary Committee and I explained the situation to her and I told her that in no way did I want to influence her as to how they are going to vote on the bill. I don't know how they are going to vote on the bill anymore than I knew how they were going to vote on what is now 1992.

I don't think this is the proper situation at all. This is a thorough, a complete breakdown of our system. It absolutely circumvents the action of a committee which is doing a fantastic job of work, as any other committee does. It is something—as I repeat myself—in the taking over at any time anybody wanted to. And I think this thing here, it creates a mammoth problem should we go along with it.

I want to debate, after the bill is reported out of committee. I want to depate the bill on its demerits or merits or merits or demerits. I don't want it done this way. If the good gentleman from Falmouth, Mr. Huber, had wanted this committee — these bills have been in committee for weeks—he could have well have gone to the chairman of the committee and said to him, would you include my bill into whatever is going to be packaged out, if it is going to be packaged out? I think that would have been the best procedure. Even if my motion would not prevail, I still would not, Mr. Speaker, debate the issues on the bill, because this amendment, which is this bill, is in committee. The bill, 1992 has been wrapped up in a package and reported out unanimously by the Judiciary Committee. 1529, which is exactly very much this amendment, has not been decided upon by the Judiciary Committee. That is when I want to discuss it, win or lose.

Mr. Speaker, first I would like to thank the gentleman from Standish, Mr. Simpson for tabling the bill for one day. I now move the indefinite postponement of House Amendment "A" and I ask for a roll call when the vote is taken.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I also would rather debate the actual bill itself and that is why I favored the motion of tabling this morning, so that we could have them both before us at the same time. I have fought for the abortion question three times in this House. I sponsored it once. I basically feel that abortion is not wrong under many conditions. However, I fully realize that others do not and I have the deepest respect for their feelings. For this reason, I certainly had no animosity for our past defeats. However, the suggested legislation was always voluntary and contained adequate control. The chief opposition was always based on the fact that a fetus was human at the time of conception. As I said, I do not question other christian teachings but this has not always been their belief. Still, this has no bearing on the subject, except for the fact that neither physicians nor patients need to participate if they oppose abortion on religious or moral grounds. This is specifically stated in this bill and the amendment.

Also, no minor can have this treatment without the consent of his parent or guardian. However, the entire subject really is now a fait accompli by a ruling of the United States Supreme Court, and we must bring our law into conformity and be sure that all of the safeguards are carried out.

In summary, nothing in this law makes it mandatory. I surely agree with this. We do not want to force or encourage any woman to have an abortion if it is against her conscience or religious teachings. We only maintain that they should have the right if they so desire and with the approval of a competent physician who believes in the decision of the Supreme Court.

The actual bill which is before us today, not the amendment, is perfectly all right, except that it calls for abortion on demand. The only thing is, it doesn't go far enough as far as regulation goes. It certainly does not apply to the specific rulings of the Supreme Court.

We have hospitals now which are performing abortions under very careful supervision, and they should have the backing of our state law and not just the opinion of the Supreme Court. This amendment does this. However, it is a copy of a bill from the gentleman from Falmouth, Mr. Huber and attached as an amendment. This is a very unusual approach. As I said, I would much rather debate the bill and vote on it; however, we don't have it and the subject matter has been explained by Mr. Huber, so you know what it is. We only have before us a new draft of a bill which combines several minor items already in the Huber bill.

Once again, I would rather debate the Huber bill, but since we only have the amendment before us, I favor the amendment and I am opposed to its indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Brawn.

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: I think the gentleman has just said that a person does not have to participate in these abortions if they do not desire. I have just received a letter here which I would like to read to you. This is from a father and mother from Waterville, Maine, who are very concerned.

It says, "Dear Mr. Brawn: We urge you to support L. D. 1992. It is our strong conviction that every possible step must be taken to protect the lives of fetuses, both born and unborn, and that any deliberate interference with such life is a violation of the moral and natural law. By the same token, if a man can conscientiously object to the killing of an enemy in the wartime, certainly we must provide protection for any person who objects to the killing of innocent children, born or unborn, by any procedure designed to terminate the life or the product of an abortion.

"Incidentally, I have been told that the procedure in at least one hospital in Maine stipulates that the nurse is actually the person who applies the suction which physicians produce in the abortion. Having a daughter in training to be a nurse and understanding of

her complete abhorrence concerning such an act, we urge that she be not forced to cohere in any such procedure." Signed, a Father and Mother in Waterville, Maine, and I do have their names.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Mrs. Goodwin.

Mrs. GOODWIN: Mr. Speaker and Members of the House: I disagree today with the gentleman from Lewiston, Mr. Jalbert. I think this is the day that we should discuss the merits of the so-called Huber bill.

It seems ironic that we have come full circle on the abortion issue. The Right-To-Lifers are advocating no laws regulating the actual performance of an abortion, which is just exactly what those who advocate abortion on demand have been asking for all along.

We are now being told by the people who claim to be pro-life that we cannot in any way implement the Supreme Court Decision because somehow by so doing we legitimize and give credibility to that decision. As far as I am concerned that is the most convoluted philosophical reasoning I have ever been subjected to.

Regardless of whether you believe that the Supreme Court went too far, as I do, or whether you feel the entire decision was an abomination, it is the law of the land, and this is a nation of laws.

However, the Supreme Court decision did leave us with some latitude in the regulation of abortion. A state can require that after the 12th week an abortion must be performed in a hospital. A state may forbid abortion after the 24th week unless necessary for the preservation of the life or health of the mother.

How can this legislature in good conscience require that all steps be taken to preserve the life and health of a live born fetus and then refuse to enact the laws necessary to implement such a procedure?

Don't talk to me about the sanctity of life and then let a viable fetus die at 5½ months because he was aborted in a doctor's office and not in a hospital where his life might have been preserved.

Don't preach to me about Christian love and then let a desperate woman bleed to death because some doctor is more interested in a fast buck than in life aborted her in her seventh month when we might have prevented it here this morning.

How far are you willing to go to win a philosophical or religious argument? Are you willing to risk the deaths of women and their unborn children just to prove a point?

Have the anti-abortion forces become so fanatical that they are willing to permit wholesale abortion rather than admit to the validity, however temporary, of a decision of the Supreme Court of the United States?

In the name of reason, I ask you not to indefinitely postpone this amendment.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the bill and also to support the amendment. I think Mr. Ross, the Representative from Bath, has done a very good job in telling us about the moral aspects of the issue before us. This is how I see particularly this amendment, as a moral issue and not as a political issue.

I would like to relate an incident to you that happened to me over the weekend. On Saturday morning I received a telephone call from the priest in the parish where I live in Portland. He said that he was calling about this very matter that was coming before us, and that on Friday night, all the parish priests in Portland, and I am not sure where else, but at least in Portland, had been contacted by the Chancellery office and urged to preach from the pulpit on Saturday evening at masses and on Sunday morning at masses in support of this bill and against any amendments that might be coming like the one the gentleman from Falmouth, Mr. Huber, has presented.

The Catholic church, in my opinion, is trying to take a moral issue and make it a political issue, using threats and innuendoes against us as Representatives that we may not be coming back if we don't support the bill and if we do support the amendment. I resent that. I think that all of us should vote today as our conscience tells us to and not as we would feel politically motivated or politically hamstrung.

I think if the Catholic church were as committed to other social legislation that has come before us as they are to this bill, such as the tenant bills or the bills that deal with welfare and were to make a commitment and lobby for those bills as strongly as they lobby for an issue like this, then perhaps there would be something good to say about the political efforts of the Catholic church. But I think that it might be wise to ask the Internal Revenue Service to perhaps investigate the tax exempt status of the Catholic church if they want to continue —

The SPEAKER: For what purpose does the gentleman rise?

Mr. JALBERT: I rise on a point of order, Mr. Speaker.

The SPEAKER: The gentleman may make his point.

Mr. JALBERT: Mr. Speaker, my point is this. I don't think the Catholic church is at stake here and the Catholic church is now being brought in for being tax exempt. I don't think that the other churches are not tax exempt. I mean, I don't think we have to go that far, do we, Mr. Speaker?

The SPEAKER: Will the gentleman please confine his remarks to the issues of the bill, and included in his remarks he may discuss if someone has lobbied him or tried to speak to him about how he should vote on the bill.

Mr. CONNOLLY: Thank you, Mr. Speaker.

I think I made my point and I would hope that when you vote today, vote on the amendment and on the bill, both of which I support. Vote out of the dictates of your conscience and not out of political motivation.

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

Mr. MULKERN: Mr. Speaker and Ladies and Gentlemen of the House: I placed on your desks this morning a couple of articles in reference to abortion. One of these articles is out of Washington, D. C. and it talks about an anti-abortion amendment being proposed by the U. S. Congress. I think in reading this article you will find that the Supreme Court decision is not a foregone conclusion, as Mr. Ross seems to think it is. The article reads thusly:

"Six senators today proposed a 'Human Life Amendment' to the Constitution which would prohibit abortions except when the mother's life is endangered.

"Spurred by the recent Supreme Court decision which struck down anti-abortion statutes in the 50 states, the senators proposed an amendment which would define an unborn baby as a human being with full constitutional protection.

"Sen. James L. Buckley, R-N.Y., prime sponsor of the proposal, said it was drawn to cover not only abortion but to head off what he termed a growing trend toward acceptance of mercy killing.

"Joining Buckley were Sens. Mark O. Hatfield, R-Ore., Harold E. Hughes, D-Iowa, Wallace F. Bennett, R-Utah, Carl Curtis, R-Neb., and Dewey F. Bartlett, R-Okla.

"The amendment establishes that unborn children "are persons within the meaning of the 5th and 14th Amendments to the Constitution" Buckley said. The only exception to the prohibition is when the pregnancy risks the mother's life.

"The exemption is severely limited in scope, and most emphatically does not cover the spurious claims of risk to maternal life and health which are a transparent cloak for abortion-on-demand,' Buckley said.

"Buckley said the amendment was aimed at preventing what he termed was a 'new ethic' that he feels is present in the Supreme Court decision — implying that the unborn do not possess the 'capability of meaningful life.'

" 'When this kind of sociologese creeps into a Supreme Court opinion, and when it is used to justify the taking of innocent human life, albeit unborn human life, thoughtful men ask themselves where such logic might lead,' Buckley said.

" 'Already there is a renewed interest in so-called mercy-killing,' Buckley said. 'Such talk is no mere idle speculation. It is taking place on the highest levels of the scientific establishment, where ideas that the public would consider truly shocking just a few years ago are being debated with great and serious intensity.'

" ' We are, I fear, entering an era where the sacredness of human life, born and unborn, will be sacrificed on the altar of social utilitarianism,' he said.

"A constitutional amendment must be passed by Congress and three-quarters of the state legislatures before it becomes effective."

I do not feel that the State of Maine, at this point, should be in any great hurry to go on record as supporting the decision of the U.S. Supreme Court.

I would like to relate to you, some of you who are not acquainted that well with the Supreme Court's decision, just exactly what that decision involved. I have some data here with me on the subject. Basically what this decision has done in effect is to deny personhood under the law to the unborn, for the first six months of pregnancy and little protection for the entire nine months.

In its far-reaching consequences, this decision is a serious blow to the cause of human life on this planet for today and the generations yet to come.

The court, in an unprecedented manner, ignored the question of life at conception, which it dismissed as not having been proved scientifically. However, in a most arbitrary and unscientific manner, men who know nothing about biochemistry, obstetrics, gynecology, genetics and other life sciences, set up legal guidelines by dividing the mother's nine months pregnancy into periods of three months each and set standards for each division.

The court ignored evidence presented to them from experts in the life science field, indicating the presence of human life at least as early as the eighteenth to the twenty-fifth day when heart beat begins.

Even in criminal courts, those accused of murder are given a fair chance until all the evidence is in and the penalty of their crime is death. The Supreme Court, I submit, has awaited no such evidence in regard to the life of the unborn and in effect has condemned the innocent to death without grounds.

The court addressed itself to only one side of the issue, what it called the mother's right to privacy. These rights, it claimed, were implied in the 1st, 9th, and 14th Amendment to the Constitution. The standards set down by the court decision were designed to recognize this principle at the expense of the unborn's right to life or the rights of the father of the unborn.

I would like to point out to you that two justices of the court dissented from this opinion, namely, Justice Rehnquist and Justice White. Justice Rehnquist, in his statement on this case, found, he said, nothing in the Constitution concerning this "special right for mothers" and he accused the court of merely inventing that right.

Also, there is a question here brought out by Justice White of what he called raw judicial power. He claimed that the court in handing down its decision was in effect legislating. The court's job is to decide on the constitutionality or unconstitutionality of laws. Its job is not legislating.

I feel that this amendment presented by Mr. Huber to this bill is a liberal attempt to implement the Supreme Court decision in the State of Maine. It set standards permitting abortions after the first three months and this would be decided between the doctor, the physician and the woman involved. This decision would be solely up to them. It would not decide where the abortion would be performed or anything else. In the second trimester, the state may interfere and insist that the woman be put in a hospital. The abortion may

still be performed with the permission of the woman and her doctor.

In the third trimester, interestingly enough, we have a provision added in the bill which is supposedly designed to protect the unborn fetus. It says that an abortion may be performed only if the life or the health of the mother is in jeopardy. But what I submit to you, the word health is defined by the Supreme Court has a very interesting definition. The word health is defined as health involving social psychological, physical and familial well being. That is a pretty broad definition.

It seems to me, in effect, that really what we have right here on the Supreme Court's decision and Mr. Huber's amendment is abortion on demand, and I don't see — it is just about abortion on demand. I would retract my statement somewhat, but it is pretty close to that.

In view of the fact that we have this pending legislation now before Congress, I think we should wait awhile, at least, maybe until the special session or to the 107th, to see what the Congress is going to do about this problem. However, I do believe that we do need something on the books. I think L. D. 1992 would fill part of the gap, and really I think the State of Maine should not put itself as going on record on something that, as you can see, is not a foregone conclusion by any means. I would ask you to support L. D. 1992 without the amendment.

Mr. Littlefield of Hermon presented the following Order and moved its passage:

ORDERED, that Kathy Wood, Susan Babb, Clay Overlook, Steven McClarie, Neal Pickard and Sydney Wilson of Hermon be appointed Honorary Pages for today.

The Order was received out of order by unanimous consent, read and passed.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Mrs. Goodwin.

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I didn't intend to speak a second time, but I do think that the argument of the gentleman from Portland, Mr. Mulkern, should be rebutted. It is strange, because I remember talking myself blue in the face out in the corridor to him one day because he just said that the Supreme Court decision was a denial of personhood, and I asked him if he would not grant me my personhood as a woman and vote for the equal rights amendment, After a long, hard battle, I finally won.

I would like to rebut the argument of the constitutional amendment and how long it might take. Many of you may know, the equal rights amendment was first proposed 50 years ago. The present equal rights amendment has seven years in which to be ratified. And after ratification, the states will have two more years in which they may bring their laws into conformity. So even if a constitutional amendment on right to life is passed by Congress immediately, it could be nine years before it is in effect. So the question really is, do you want abortion on demand until such time, or do you want abortion regulated as strictly as the law allows? Since it has taken over 50 years and women still do not have their equal rights under the law, I wonder how long it will be before the fetus has his equal rights under the law.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I listened to the gentlewoman from Bath, Mrs. Goodwin, in her statements when she was not angry, because I think she is very pretty when she smiles, and she herself admitted the very point that I am making to you this morning. She said — she talked about L. D. 1529. We do not have L. D. 1529 before us. The Judiciary Committee studied at length these bills. They wrapped up a bunch of them and threw them right at us with the unanimous report and left 1529 in committee. It is their judiciousness to do what they did.

I am not debating — although I would love to, believe me, be-

cause if it wasn't for this bill, I would not be standing here this morning. But I am here. I am not going to debate the issues, because the issue is not before us. And this kind of procedure is going to destroy the committee system. It is going to start a precedent. It is going to open up a Pandora's Box of circumventing committees and nobody can deny it, and to prove my point, I would like to ask anybody in the House to tell me if ever they have known of this situation having been done before. That is my only point, rise or fall. I would like to debate 1529 when the Judiciary Committee comes out and reports it. In the meantime, I would like to see L. D. 1529 this morning in the guise of an amendment put away so we can go on our way with L. D. 1992.

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Brawn.

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: After I just spoke, a gentleman stood on his feet and said he thought this was a religious issue. Let me straighten this out. I am not Catholic, but I admire you that are, and I hope you all attend your church Sunday.

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

Mr. COTTRELL: Mr. Speaker, Members of the House: Friends, I hope, I am back. I took my walk a couple of months ago. Since then, I have read the Supreme Court decision. It was very instructive. I am not going to recount it.

I don't think this debate is necessary, really, now, because we are dealing with the law of the land until such time that it might, through a long amendment process, be overturned. I believe Rhode Island recently passed a law to adjust itself to the Supreme Court decision, and it was ruled unconstitutional by the District Court down there.

This abortion problem has been a problem that has bothered the nation. I talked with a deeply religious friend of mine who happens to be of the Catholic faith who has been connected with Congress for eight years, and I asked him what the Congressmen in general thought about the Supreme Court decision, and "They were very much relieved," he said, because it is such a highly emotional, moral issue that was disturbing the country, continuing to disturb the country.

As for my own constituency, as I said the last time I spoke in connection with this matter, I have tried to represent the majority of them while I have been in the legislature here, and I voted against liberalization. I voted for what I thought expressed the majority of my constituents. But now, in dealing with the law of the United States of America, which is the law, I am representing not only my constituency in my state, but I am representing the United States.

I might add this, add or say further, as I read the Supreme Court decision, I found that they had studied this matter of abortion through the ages. There was a time when our church — and it was the church of all of us, the one church, in this matter of abortion — supported through the Middle Ages and the Renaissance. They supported the Arcetalian theory of mediation right down until the 19th Century. I didn't know what that meant, so I called the doctors in the Portland area, and they didn't know what it meant. I finally found out what it meant and that was that until the life quickened and at that time life quickened in the first three months when the mother felt a heart beat and a kick inside.

I am going to support this amendment, because I think for once and all it will clear it up. I don't know whether this bill, 1992, would stand the test of the court. I haven't read it all, but some things I have read in it, I am just wondering; and I think we ought to go along with the law of the land and get rid of this terribly emotional issue.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House:

I am opposed to the amendment. I think if you will recall a few weeks ago when we had a bill dealing with the experimentation of animals in high school how thoroughly it was defeated here, 97 to 31, I think. Mothers from all over the state wrote to me expressing the horror they felt their children would be exposed to in experimentation on live animals in the high school, and this House responded with a 97 "ought not to pass" report.

I contrast that with the feeling that it is all right to vivisect and experiment on the highest form of animal life, the human being. I just cannot understand how you can have so much great concern for animals, not even allow a worm to come into a high school classroom because it is an animal, and yet, you can, with little concern, agree to terminate human life at almost any stage in the womb.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry, I cannot agree with the gentleman from Livermore Falls that the argument he brought in has any bearing on the one we are speaking about here this morning. We are debating the amendment that is proposed by the gentleman from Falmouth, Mr. Huber.

What it is is an attempt to put all the abortion laws in one statute. Now, presently in effect, Maine has no laws controlling abortion. I have never felt that the Maine legislature or any legislative body could legislate morals, and I am opposed to trying to do so. But it is our sworn duty to protect the health and safety of all our citizens, men, women and children.

Conscientious doctors and hospitals are in need of specific statutes under which to proceed, statutes that will be legal under the Constitution of the United States and under the Constitution of the State of Maine.

I am in favor of L. D. 1992 which is the work of the gentleman from Lewiston, Mr. Jalbert. It is a good bill. I am particularly more in favor of it with the amendment that is now before you and connected with it.

The last thing I want to do today is debate parliamentary or legislative procedure with the gentleman from Lewiston, I hope you will not impugn the motives of a very sincere legislator who is trying to make sure that we did not leave abortion laws in a vacuum.

I am sure everyone here is capable of understanding the issues in both Mr. Jalbert's bill and in Mr. Huber's bill. I hope when you vote that you will not let your concern for procedural niceties, as brought up here in debate, take precedence over your fundamental responsibility to all the people to provide for their health and safety as contained in the acceptance of this proposed legislation.

L. D. 1992 is a good bill. The amendment, which does not materially change L. D. 1992 but adds to it, is also good legislation, and the whole package is necessary to protect the people of the State of Maine.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I wish to take a position today on this bill, 1992. I will not discuss the bill itself, but I will discuss the importance of us being here today on this important subject and probably to many of us one of the most important bills in this session, and this bill involves 1992, and it is important because it protects the start of life and not the survival of it.

I want to mention here that I am not going to preach to anybody. I am not going to talk about the sacredness of life. I am not a fanatic, but I am deeply concerned about the unborn child. I am deeply concerned about the situation that we are facing here today, and I think that this bill was presented to us as a matter of necessity due to my unacceptable decision to the unacceptable decision of the Supreme Court of this nation. I personally and especially am concerned about the unborn child, and I feel that many others are, and it is time for us to take a position

as to where we are, where we are going and what might happen if we don't.

I think these unborn children should have someone to speak for them. I am sure that it is a matter of approach as to which way we are heading. It seems to me that the Supreme Court decision, as mentioned before by the able gentleman, is a fait accompli. Well, it is a fait accompli, and it is prima facie to what they meant. So if we want to live under the federal law, we can live under the federal law. There is not much you can do according to their decision. But their decision might not be final, and this is our hope — my hope that some day we will see something different.

So, I submit to you that I think that the Judiciary Committee took fine bills and made them into one here, and then later on, the other bill, Mr. Huber's bill, will be presented to this House for consideration. It is your personal decision that will decide as to which way the State of Maine will go. I think at present that the federal laws as passed in January of this year are sufficent to accomplish the desires of the people at this time. So therefore, with great concern for the child that wants to live, I hope that you vote for the indefinite postponement of House Amendment "A."

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

Mrs. BAKER: Mr. Speaker and Members of the House: I rise in support of the amendment as offered by the gentleman from Falmouth, Mr. Huber. I see nothing wrong with putting these bills together. I think probably it should have been done in the first place, but since it was not, I see nothing wrong with bringing up this amendment at this time; and I am in support of the amendment, because I think we need some regulation.

We have been told over and over this morning about the vote of the Supreme Court, and we know that it strikes down the abortion laws as they now stand in Maine, and L. D. 1992 does nothing to protect the woman, and we need some guidelines. We know that abortions are being performed every day in Maine, and we need some guidelines for it, and I see nothing wrong with combining it with 1992, and I hope you support the motion for the amendment.

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

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

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: Much of the debate this morning has been centered around this amendment. I don't think the amendment was put in the proper manner as it should have been. I have never seen it done like that before.

What I am going to speak about is this: I am fully in accord with this document, 1992. I am very much interested in paragraph 2. I have two daughters who are registered nurses. They have brought to my attention the fact that there are many nurses who have long years of service, and they want to retire, and if they do not assist in such an operation, they are subject to being dismissed. That I do not go with. Therefore, I think this is the most wonderful paragraph in the whole bill right here to protect our working people, and I certainly hope that you will defeat this amendment and support the bill, 1992.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that House Amendment "A" to L. D. 1992 be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Albert, Berry, G. W.; Berry, P. P.; Berube, Binnette, Boudreau, Brawn, Brown, Carey,

Carrier, Carter, Chonko, Conley, Cote, Dam, Deshaies, Drigotas, Dudley, Dunleavy, Emery, D. F.; Farley, Fecteau, Ferris, Fraser, Gauthier, Genest, Hobbins, Hunter, Jacques, Jalbert, Kelleher, Keyte, Kilroy, LaPointe, LeBlanc, Lynch, Mahany, Martin, Maxwell, McCormick, McHenry, McMahon, McNally, McTeague, Merrill, Morin, L.; Morin, V.; Mulkern, Murray, O'Brien, Perkins, Pontbriand, Ricker, Rolde, Sheltra, Silverman, Smith, D. M.; Snowe, Soulas, Strout, Tanguay, Theriault, Tierney, Walker, Webber, Wheeler, White, Wood, M. E.

NAYS — Ault, Baker, Birt, Bither, Bragdon, Briggs, Bunker, Bustin, Cameron, Chick, Churchill, Clark, Connolly, Cooney, Cottrell, Cressey, Crommett, Curtis, T. S., Jr.; Davis, Donaghy, Dow, Dunn, Dyar, Farnham, Farrington, Finemore, Flynn, Gahagan, Garsoe, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Haskell, Hoffses, Huber, Immonen, Jackson, Kauffman, Kelley, Knight, Lawry, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, McKernan, Mills, Morton, Murchison, Najarian, Norris, Palmer, Parks, Peterson, Pratt, Rollins, Ross, Shaw, Shute, Simpson, L. E.; Smith, S.; Sproul, Susi, Talbot, Trask, Trumbull, Tyndale, Willard.

ABSENT — Curran, Evans, Faucher, Hancock, Henley, Herrick, Kelley, R. P.; LaCharite, Santoro, Stillings, Whitzell.

Yes, 68; No, 71; Absent, 12

The SPEAKER: Sixty-eight having voted in the affirmative and seventy-one having voted in the negative, with eleven being absent, the motion does not prevail.

Thereupon, House Amendment "A" was adopted.

The SPEAKER: The pending question before the House is passage to be engrossed as amended of L. D. 1992.

Mr. Connolly of Portland requested a roll call.

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

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

The SPEAKER: The pending question is passage to be engrossed of L. D. 1992. All in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ault, Baker, Birt, Bither, Bragdon, Brawn, Briggs, Bunker, Bustin, Cameron, Chick, Churchill, Clark, Connolly, Cooney, Cottrell, Cressey, Crommett, Curtis, T. S. Jr;. Davis, Donaghy, Dow, Dunn, Dyar, Emery, Farnham, Farrington, Ferris, Finemore, Flynn, Fraser, Gahagan, Garsoe, Good, Goodwin, H.: Goodwin, K.; Greenlaw, Hamblen, Haskell, Hoffses, Huber, Hunter, Immonen, Jackson, Kauffman, Kelley, Knight, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, Maxwell, McHenry, McKernan, McMahon, Merrill, Mills, Morton, Murray, Najarian, Norris, Palmer, Parks, Peterson, Pratt, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Sproul, Susi, Talbot, Therialt, Tierney, Trask, Trumbull, Tyndale, Walker, White, Willard.

NAY — Albert, Berry, G. W.; Berry, P. P.; Berube, Binnette, Boudreau, Brown, Carey, Carrier, Carter, Chonko, Conley, Cote, Dam, Deshaies, Drigotas, Dudley, Dunleavy, Farley, Fecteau, Gauthier, Genest, Hobbins, Jacques, Jalbert, Kelleher, Keyte, Kilroy, LaPointe, Lynch, Mahany, Martin, McCormick, McNally, McTeague, Morin, L.; Morin, V.; Mulkern, O'Brien, Perkins, Pontbriand, Ricker, Rolde, Sheltra, Strout, Tanguay, Webber, Wheeler, Wood, M. E.

ABSENT—Curran, Evans, Faucher, Hancock, Herrick, Kelley, R. P.; LaCharite, Santoro, Stillings, Whitzell.

Yes, 90; No, 49; Absent, 11.

The SPEAKER: Ninety having voted in the affirmative and forty-nine having voted in the negative,

with eleven being absent, the motion does prevail.

Thereupon, the Bill was passed to be engrossed as amended.

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

Mr. HUBER: Mr. Speaker, having voted on the prevailing side, I would like to move for reconsideration.

The SPEAKER: The gentleman from Falmouth, Mr. Huber, having voted on the prevailing side, moves that the House reconsider its action whereby it passed L. D. 1992 to be engrossed. All in favor of that motion will say yes; those opposed will say no.

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

Sent to the Senate.

The Chair laid before the House the sixth tabled and today assigned matter:

Bill "An Act Creating the Androscoggin County Commissioner Districts" (H. P. 271) (L. D. 378) (C. "A" H-485).

Tabled—June 4, by Mr. Pontbriand of Auburn.

Pending — Passage to be engrossed.

Mr. Pontbriand of Auburn offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-500) was read by the Clerk and adopted, the Bill passed to be engrossed as amended and sent to the Senate.

The Chair laid before the House the seventh tabled and today assigned matter:

Bill "An Act Regulating the Interception of Wire and Oral Communications" (S. P. 377) (L. D. 1108) (S. "B" S-171).

Tabled — June 4, by Mr. Simpson of Standish.

Pending — Passage to be engrossed.

On motion of Mr. Birt of East Millinocket, tabled pending passage to be engrossed and specially assigned for Friday, June 8.

The Chair laid before the House the eighth tabled and today assigned matter:

Bill "An Act Exempting Gas for Cooking and Heating in Homes from Sales Tax" (H. P. 379) (L. D. 508).

Tabled — June 4, by Mr. McLeod of Bar Harbor.

Pending — Motion by Mr. Farrington of China to indefinitely postpone.

Mr. Finemore of Bridgewater offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-501) was read by the Clerk and adopted.

Thereupon, Mr. Farrington of China requested permission to withdraw his motion to indefinitely postpone, which was granted.

Thereupon, the Bill was passed to be engrossed as amended and sent to the Senate.

The Chair laid before the House the ninth tabled and today assigned matter:

Bill "An Act Establishing an Office of Early Childhood Development in Maine" (S. P. 515) (L. D. 1639) (S. "A" S-146).

Tabled — June 4, by Mr. Martin of Eagle Lake.

Pending — Passage to be enacted.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. O'Brien.

Mr. O'BRIEN: Mr. Speaker, I move the rules be suspended for the purpose of reconsideration.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. O'Brien, that the rules be suspended for the purpose of reconsideration. The Chair will order a division. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

44 having voted in the affirmative and 54 having voted in the negative, the motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. O'Brien.

Mr. O'BRIEN: Mr. Speaker, I now move passage of the Bill.

Thereupon, the Bill was passed to be enacted.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. O'Brien.