

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

1st Special Session

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

1974

Kennebec Journal
Augusta, Maine

were by the Secretary presented to the Governor for his approval.

Emergencies

An Act to Authorize Maine Maritime Academy to Grant Honorary Degrees. (H. P. 1693) (L. D. 2086)

An Act Relating to Place of Examination under Unfair Trade Practices Act. (H. P. 1698) (L. D. 2091)

These being emergency measures and having received the affirmative votes of 29 members of the Senate were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

Emergency

Resolve, Providing Funds to Settle an American Arbitration Association Award and for Extra Costs in Constructing a Fish Trap on the Union River. (S. P. 784) (L. D. 2264)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

Orders of the Day

The President laid before the Senate the first tabled and specially assigned matter:

Bill, An Act Providing Funds for Marine Research. (H. P. 1768) (L. D. 2240)

Tabled — January 21, 1974 by Senator Sewall of Penobscot.

Pending — Enactment.

On motion by Mr. Sewall of Penobscot, retabled and specially assigned for January 28, 1974, pending Enactment.

The President laid before the Senate the second tabled and specially assigned matter:

Joint Order — Relative to Pro-life Education Association. (H. P. 1897)

Tabled — January 23, 1974 by Senator Berry of Cumberland.

Pending — Passage.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, I would request the Secretary to read this order.

Whereupon, the Secretary read the Joint Order.

The PRESIDENT: The Chair recog-

nizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, close attention to the contents of this order would indicate that there are many, many items involved in here, very few of which are within the province of the Senate of Maine to handle and consider, and accordingly, I would appreciate very much if somebody would explain this to determine that if I am wrong in this statement.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President, it seems to me that the only thing the resolution does is to commend the leaders of the Pro-life Education Association for their efforts to promote the sanctity of human life, and it further provides that copies be sent to an individual.

It seems to me that this is rather a routine kind of an order. I don't think necessarily that someone who votes for this order has to agree with everything the Pro-life Education Association does. I think it merely recognizes their efforts to promote the sanctity of human life, and I think that those efforts are certainly in keeping with history in this legislature on this resolution to go along with the other body in doing that. So I don't see any great problem or any great controversy in this order.

If the order itself got into some of the specific areas which tend to be controversial, then I would say that the Senator from Cumberland, Senator Berry, might have a valid point. But it seems to me that the order itself does not, that it merely commends them for their efforts in the area of promoting the sanctity of life. I don't think that we could really argue with that. Thank you.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President, I rise in support of the remarks by the Senator from Androscoggin, Senator Clifford. I can't see that the passage of this order is anything real momentous, but it is commending these people for the efforts which they have been expending, and it follows along with the joint resolution which was passed by both houses last year, a joint resolution memorializing

Congress for the purpose of amending the United States Constitution relative to abortion. This was passed without any argument a year ago.

The other night I had the opportunity of attending this interfaith respect for life service at Stroudwater Church in Portland. There were representatives of four different denominations or different faiths speaking at that evening service. There were representatives of the parents from the School of Anaesthesia at Mercy Hospital, Attorney Paul Stewart of Portland, and others. And this order was read to those people. They appreciated the fact that the House had passed it, and I see no reason why the Senate cannot go along in concurrence on the passage of this order.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

MR. BERRY: Mr. President and Members of the Senate: As I listened to Senator Clifford and looked over the order, I failed to understand that we have just one item here in the order.

I made specific mention yesterday of the Helms Amendment, and no one, neither Senator Clifford nor Senator Hichens, have explained to the Senate the Helms Amendment. The Helms Amendment is a matter of international concern, and this was one of my reasons for questioning the propriety of this body to consider this resolve. Congress has the area under its wing and its congressional responsibility, of course, to deal with international affairs. The first point of the order, after expressing, as Senator Hichens says, "our continuing concern for the life of the unborn child", the second point is that the Helms Amendment was signed into law and, therefore, it is the concern of the group we are congratulating here, and we are endorsing the Helms Amendment by passing this order. The Helms Amendment says that no foreign aid funds shall be used to motivate any aspect of abortion. Now, under "motivate" is the dissemination of contraceptive literature, the dissemination of information of all sorts on contraceptive means and on abortion itself.

It seems too bad to open up the subject here that we have discussed before, as Senator Clifford said, but we don't need

to look very far beyond our own shores to see the problems that we are facing in this area. And one of the lamentable facts of the energy crisis that everybody seems to walk away from is the fact that our planet is bursting at the seams with more and more people requiring less and less resources to live a meaner and meaner life. It would appear that if this body has a responsibility in the international field, perhaps it would be within its province to take into its account and consider these situations that exist beyond our shores, situations which we are trying to remediate with our own tax dollars by sending to these countries to make life better for these people. You are all familiar with the means being taken in the Country of India to cope with their problems of population. I was reading last night where a favorite mecca for American tourists is the Island of Jamaica, where 45 percent of the people of the island are under the age of fourteen. Jamaica, of course, is one where hardly a tinder box would describe the situation in Jamaica. But for us to endorse a proposal which would withhold the availability of population control problems doesn't seem to me to be right. First, it is not within our province. Secondly, if we are going to discuss it under the order we have before us, then we have just got to face these particular facts. That is the Helms Amendment.

I am not even talking about the impact of this philosophy in our own country. There is nothing coercive about this, there is nothing obligatory, and I don't need to remind you that it is the poor people of this country and of the world who suffer most of over-population.

The next point that this order covers is that, by reference, it condemns the Supreme Court of the United States for its decision of a year ago where, for the first time, the federal court measured up to the problem of the abortion situation. And we are being asked by the passage of this order, in spite of what will be said, to condemn the Supreme Court of the United States for its action.

We are being asked, as the fourth point, to congratulate the Pro-life Education Association of Maine for its continuing efforts to promote the human life amendment which we passed last session. This is a matter of opinion, the

majority of this body voted that way, and a continuing rubbing of salt into the wounds hardly seems to be necessary as indicated in this order.

The fifth point brings up the vigil which was referred to by Senator Hichens of York, and it congratulates them for their continued work to underline "the importance of the individual right to life".

Then the sixth point is condemnation of the euthanasia movement, with which, I am unfamiliar. If it is what I think it is, I would agree in its condemnation. This is my own personal thought, and I think it has little to do with the Senate of Maine.

The Seventh point sends a copy of this to the President of the Association in appreciation of his efforts.

I think these seven points as brought out, rather than one point, indicate the multi-faceted nature of the problem. It indicates that there are several aspects of this that have little to do with the Senate of Maine. It reopens again an issue which we did decide last session. And it appears to me that the order, reduced to its simplest terms of extending congratulations to a group for doing its job, might well be in order, but the many other points negate this one particular point. I would hope you would vote against this order, and I would request a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Kennebec, Senator Joly.

Mr. JOLY: Mr. President and Members of the Senate: I too feel, as has been said already, that I did not see any great need for debate on this matter. However it has been brought up, and I would like to answer a couple of points.

One, the Helms Amendment: I am a little surprised at the argument on this point. It seems to me that one trouble that we have been getting into in recent years is trying to mind the business of other countries. If we go back to our own Monroe Doctrine, we told other people to stay out of our business and we will stay out of theirs. It seems to me it is the same thing here. If we want to give money to some country, then let them do as they want to with it, but do it for a particular purpose. And this is a moral

problem in many countries more than it is here. So I don't think there is any problem with the Helms Amendment.

The other one about the population control, there are conflicting statements on this. I think some of you have read in recent years about the possibility of being able to feed millions and millions more people than we are now from the ocean and from other resources we have. A lot of this is pure public relations by the people who are on that side. I would just bring those two points up. I am sure there are some other valid points on some of these other problems.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President and Members of the Senate: As to a couple of the points made by the good Senator from Cumberland, Senator Berry, first of all, the Helms Amendment, as I understand it, is law. It was voted into law by both branches of the Congress and signed by the President of the United States. The Helms Amendment does not deal with population control. It has got absolutely nothing to do with birth control. As a matter of fact, this country is promoting birth control in foreign countries. I think that is as it should be, and those are the problems to which Senator Berry addressed himself. The Helms Amendment deals only with abortion, which is, hopefully, not a good method of population control.

As far as disagreeing with the Supreme Court, I think it is the right of all Americans to attempt to change the Constitution through the legal process. I think this body last week voted on one of those amendments which disagreed with decisions of the United States Supreme Court on the interpretation of the Constitution, and the result was to change by peaceful means the Constitution itself. So this is part of our democratic legislative process.

Again, the order itself, as to what the Senate says and what the other body has said, is merely taking an opportunity to commend the leaders of Pro-life Education Association for their efforts to promote the sanctity of human life. It seems to me that this is really not asking anyone to take a stand for or against any one of those particular measures, but to

commend a group for doing their job in our legal and democratic system and doing it well. I think that is all really the issue should be. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President and Members of the Senate: The question of joint legislative orders has always perplexed me. I recall very well the difficulty I had standing up and opposing a joint order sponsored by the Senator from Cumberland, Senator Conley, expressing our concern for the atrocities and the conflict going on over in Ireland - I am going back in about three or four years — and the conflict certainly has spread and become more important. And perhaps in a moment of bad judgment, you will recall, I sponsored perhaps an ill-timed joint order during the regular session as my way of protesting my deep feeling that as a member of the Senate I am being called upon to vote on joint orders, some of which are capricious and some which I really feel are not appropriate to the Maine Senate. I feel this is such a joint order.

The implications in this joint order go far beyond the question of patting a group on the back. It seems to me that I am being called upon to make a very basic statement on my philosophy of life here. Just a single expression in this joint order of serving to notify the euthanasia movement that any attempt by this group to implement its philosophy will be opposed, you know, I can't reject this as not being a significant part of this order. I think along with all members of this body I oppose the concept of euthanasia, but it is more than just a single answer. I had personal experiences within my family when one day it became necessary for the family to say to the doctors do not any longer extend on a day-to-day basis by drastic medication or other medication the life of someone very, very dear to me because it was a hopeless case. Is this euthanasia? I don't know. But everything within me says this is the kind of joint order that I really, really don't want to be confronted with and I really don't want to be called upon to make any decisions about basic philosophies of life

through a joint order that encompasses so many controversial areas.

I would ask you not to put me in this position again, through a joint order with no public hearings, with no chance to really dig into all the implications of such an order, and ask me to make up my mind and to declare my philosophy of life based upon a casual vote, which I am told really doesn't amount to much other than patting somebody on the back. On that basis, I will oppose this joint order and move for its indefinite postponement.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that Joint Order Relative to Pro-life Education Association H. P. 897, be indefinitely postponed.

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President and Members of the Senate: When I heard this order read the other night at this meeting that I had explained I attended, and it was noted that it went through the House without any objection under the hammer, and then heard it tabled yesterday and realized that there was going to be much opposition to it today, I couldn't understand why there was going to be so much made, making a mountain out of a mole hill, so to speak, over this order. This is not unlike many orders which come before us, some of parts of which I have not gone along with but felt that, with the consensus of opinion and the reason it was put in I would go along, and I feel the same about this order today. But if it is such a momentous thing, I believe that we should have a roll call on it, and I oppose the motion to indefinitely postpone and ask for that roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Richardson.

Mr. RICHARDSON: Mr. President and Members of the Senate: Since we are going to have the opportunity to be recorded on this order, I would like to point out, number one, that the terms of this order do not, in my judgment, constitute an endorsement of the Helms Amendment. It simply states the fact

that the Helms Amendment was apparently adopted and signed into law by the President of United States.

I do not read this order as being either critical of or lauding the Supreme Court of the United States for its decision. I read it, as its principal proponent in this hall suggests, a commendation of those who have a deep concern about the sanctity of human life. I do not view this order as endorsing everything that they stand for or everything that anybody else stands for and, on that basis, I shall vote against the motion to indefinitely postpone it.

Another thing I would like to mention to you members of the Senate is that during the last session of the legislature I proposed a Memorial to the Congress of the United States, asking it not to support financially any activities of our former enemies in North Viet Nam until we had had a full accounting of the United States citizens serving in the armed forces who were listed as being missing in action. We had the same argument then, and we were told that this isn't any of our business, that it is a matter of international or national politics with which we should not be concerned.

This order is in a tradition, which I am not sure is a very good tradition, of passing, without going to the Reference of Bills Committee, without public hearing, orders which contain statements which some of us might disagree with, but I think, if you read this order literally, it is, as the Senator from Androscoggin, Senator Clifford describes it, simple commending a group for what I believe is a commendable concern, a concern for the sanctity of human life. And as such, I would urge you not to make a mountain out of a mole hill, and I would urge you to vote against indefinite postponement.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that Joint Order Relative to Pro-life Education Association be indefinitely postponed. A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having

arisen, a roll call is ordered. The pending motion before the Senate is the motion of the Senator from Kennebec, Senator Katz, that H. P. 1897, Joint Order Relative to Pro-life Education Association, be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, Cianchette, Cummings, Greeley, Huber, Katz, Olfendick, Roberts, Speers, Wyman, MacLeod.

NAYS: Senators Anderson, Brennan, Clifford, Conley, Cox, Cyr, Danton, Fortier, Henley, Hichens, Joly, Kelley, Marcotte, Minkowsky, Morrell, Richardson, Sewall, Shute, Tanous.

ABSENT: Senators Graffam, Schulten.

A roll call was had. 11 Senators having voted in the affirmative, and 19 Senators having voted in the negative, with two Senators being absent, the motion did not prevail.

Thereupon, the Joint Order received Passage in concurrence.

Mrs. Cummings of Penobscot was granted unanimous consent to address the Senate.

Mrs. CUMMINGS: Mr. President and Members of the Senate: I would like to call to you gentlemen's attention this copy of the Elderberry Times that has been put on your desk. It is a new publication put out in Old Town. It is a newspaper which is published primarily for residents of Maine who are supposedly elderly citizens, but I am not going to say what age because it really is not mine yet.

The paper will include material information and advertising specifically tailored to amuse, inform, and react to the needs of the people of this age group. Therefore, the contents will encompass a spectrum as wide as the varied interests of those readers. It will provide information concerning national and state legislation for older people, health, nutrition, sports, pastimes, nostalgia, and, they hope, lively letters to the editor.

I would hope that you would take the time just to look through it casually. It is