

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Ninth  
Legislature***

OF THE

STATE OF MAINE

**Volume II**

**First Regular Session**

May 7, 1979 to June 15, 1979

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August 3, 1979

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testimony of Dr. Money.

Mrs. Lewis announced that she was no longer in support of her bill but favored a mandatory hormone treatment for offenders, as described by her witness. Mrs. Lewis offered no language for her proposal and no information as to the cost or whether this was the best or even the only such treatment. Immediately after the hearing, and as a face saver, as many thought for the good gentlelady in a substitute bill calling for a study for such treatment. Other members of the committee asked to see the draft before they voted on such a bill.

A partisan aide, who works for a party which is not affiliated with mine, rushed to make phone calls to a number of radio and television stations to report that the Judiciary Committee had voted her bill out unanimously with some amendments. In reality, however, there was no support for anything remotely resembling the bill in question. As the House Chairman of the Judiciary Committee, I announced that the press release that had been issued was improper, unauthorized and incorrect, since the committee has taken no action on the subject.

Some days later, the committee voted and was closely divided on a substitute bill. Thereafter, the House ruled that the substitute bill was not germane to the original bill. The other body passed it to be engrossed and we agreed to join in a Committee of Conference, which I opposed from the start. Four of the six conferees finally took the position that the bill "ought not to pass".

A few weeks ago, speaking before the Judicial Conference in Rockport before the judges of our state, the Judiciary Committee co-chairman, Senator Collins, called Mrs. Lewis' bill Islamic justice. It is my feeling that the present bill before us, the present issue, is a feeble remnant of what I consider and what I concur with is Islamic justice, as the good gentleman from Rockland has stated.

I urge you to not give this bill your consideration so that we may attempt to solve some of the pressing problems of our state in a constructive fashion. I urge you today to vote against it.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, I call on the House Chairman of the Judiciary to produce for me a copy of the press release issued by an aide to a party with which he is not affiliated?

The SPEAKER: The gentleman from Cumberland, Mr. Garsoe, has posed a question through the Chair to the gentleman from Saco, Mr. Hobbins, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. HOBBS: Mr. Speaker and Members of the House: I will respond to that. Unfortunately, a press aide, from the partisan Republican Office made phone calls to different radio stations stating that the Judiciary Committee had taken unanimous action on the particular bill. I can state to you two individuals from the press who received these phone calls and I will do so to Mr. Garsoe in private, and he can check and confirm, and if I am wrong, I will owe him an apology on this floor.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentlewoman from Auburn, Mrs. Lewis, that the House reject the Committee of Conference Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mrs. Lewis of Auburn requested a roll call.

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

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

The SPEAKER: The pending question before the House is on the motion of the gentlewoman from Auburn, Mrs. Lewis, that the House reject the Committee of Conference Report. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Aloupis, Austin, Birt, Bordeaux, Boudreau, Bowden, Brown, D.; Brown, K. L.; Bunker, Call, Carter, F.; Canary, Cunningham, Damren, Davis, Dellert, Dexter, Drinkwater, Fenlason, Garsoe, Gavett, Gould, Gowen, Higgins, Huber, Hunter, Hutchings, Laffin, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, MacBride, Martin, A.; Masterman, Masterton, Matthews, Morton, Nelson, A.; Payne, Peterson, Rollins, Roope, Silsby, Small, Smith, Sprowl, Stetson, Stover, Studley Torrey, Vincent, Wentworth, Whittemore.

NAY—Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Blodgett, Brannigan, Brenerman, Brodeur, Brown, A.; Brown, K. C.; Carroll, Carter, D.; Chonko, Cloutier, Connolly, Cox, Curtis, Davies, Diamond, Doukas, Dutremble, D.; Dutremble, L.; Fillmore, Fowlie, Gillis, Gwadosky, Hall, Hickey, Hobbins, Howe, Hughes, Jackson, Jacques, P.; Jalbert, Joyce, Kane, Kany, Kelleher, LaPlante, Locke, MacEachern, Mahany, Maxwell, McHenry, McKean, McMahon, McPherson, McSweeney, Michael, Mitchell, Nelson, M.; Nelson, N.; Paradis, Paul, Pearson, Prescott, Reeves, J.; Reeves, P.; Rolde, Sherburne, Simon, Soulas, Theriault, Tierney, Tozier, Twitchell, Violette, Wyman, The Speaker.

ABSENT—Carrier, Churchill, Dow, Dudley, Gray, Hanson, Immonen, Jacques, E.; Kiesman, Lancaster, Lizotte, Marshall, Nadeau, Norris, Peltier, Post, Sewall, Strout, Tarbell, Tuttle, Vose, Wood.

Yes, 56; No, 73; Absent, 22.

The SPEAKER: Fifty-six having voted in the affirmative and seventy-three in the negative, with twenty-two being absent, the motion does not prevail.

Thereupon, the Committee of Conference Report was accepted and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

#### Papers from the Senate

The following Communication:  
THE SENATE OF MAINE  
Augusta

May 24, 1979

The Honorable Edwin H. Pert  
Clerk of the House  
109th Legislature  
Augusta, Maine 04333  
Dear Clerk Pert:

The Senate today voted to Insist and Join in a Committee of Conference on Bill, "An Act to Protect Management Personnel Where Unjustly Discharged or Involuntarily Retired." (H. P. 748) (L. D. 957)

Respectfully,  
S/MAY M. ROSS  
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:  
THE SENATE OF MAINE  
Augusta

May 24, 1979

The Honorable Edwin H. Pert  
Clerk of the House  
109th Legislature  
Ausuta, Maine 04333  
Dear Clerk Pert:

The Senate today voted to Adhere to its former action whereby it Failed to Enact, Bill, "An Act Relating to Arbitration under the State Employees Labor Relations Act." (H. P. 142) (L. D. 162)

Respectfully,  
S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

The Following Joint Order: (S. P. 577)

ORDERED, the House concurring, that the Joint Standing Committee on Judiciary report out a bill to make additional corrections of errors and inconsistencies in the Laws of Maine to the Senate.

Came from the Senate read and passed.

In the House, was read and passed in concurrence.

The following Joint Order, An Expression of Legislative Sentiment recognizing that:

Joan Dow of Auburn is the recipient of the 1979 Greater Portland Ad Club Silver Metal Award which recognizes an outstanding advertising person who is a credit to the profession and the community (S. P. 575)

Came from the Senate Read and Passed.

In the House, was read and passed in concurrence.

#### Ought to Pass

##### Tabled and Later Assigned

Report of the Committee on Business Legislation reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-222) on Bill "An Act to Amend the Unit Ownership Act" (S. P. 429) (L. D. 1377)

Came from the Senate with the Report read and accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (S-222) as Amended by Senate Amendment "A" (S-236) thereto and Senate Amendment "A" (S-237).

In the House, the Report was read.

On motion of Mr. Howe of South Portland, tabled pending further consideration and later today assigned.

#### Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act Appropriating Funds for Abortion Procedures for Persons Otherwise Eligible under Medicaid and to Effect Substantial Savings in the Costs of Government Services" (S. P. 464) (L. D. 1410)

Report was signed by the following members:

Messrs. DIAMOND of Windham  
SMITH of Mars Hill  
Mrs. CHONKO of Topsham  
Messrs. BOUDREAU of Waterville  
JALBERT of Lewiston  
KELLEHER of Bangor  
CARTER of Winslow  
PEARSON of Old Town

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Report was signed by the following members:

Messrs. PERKINS of Hancock  
HUBER of Cumberland  
Mrs. NAJARIAN of Cumberland

— of the Senate.

Messrs. MORTON of Farmington  
HIGGINS of Scarborough

— of the House.

Came from the Senate with the Minority "Ought to Pass" Report read and accepted and the Bill Passed to be Engrossed.

In the House: Reports were read.

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

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

When the vote is taken, I request the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gen-

tleman of the House: This early Tuesday morning, it seems somewhat unfortunate that we have to debate an issue such as this.

In the past on previous abortion bills, I have remained silent and have, in fact, not been voting either pro or con with any, shall I say, consistency. I have tried to deal with them as I felt my good conscience could be. I vote for some and against some and this is one that I guess I am going to have to lay it on the line and vote for. I know it is a touchy issue, there is no question about that, but I thought it through thoroughly and it is a tough decision and is one that we all have to make when we flick the switch yes or no.

I guess my main reason for voting for this bill today is because I feel that people, women, whether they are rich or poor, should have equal access to the opportunity for an abortion. The alternatives to a poor person, a poor woman, who is pregnant, who has an unwanted pregnancy, is a self-induced abortion or one in which they get perhaps illegally at cutrate. The other alternative would be to deprive their existing children, if they have some, of food and clothing or perhaps they would have to go and steal money to get an abortion. The third alternative, which is probably the more common is to have an unwanted child, and the chances are that that unwanted child is going to need the facilities of the state either in Mental Health and Retardation, Corrections or other such costly items. I don't mean to try to put any kind of cost or lack of cost on people's lives, but I think we ought to look at the situation that poor women place themselves and their unwanted children in the system and we all end up paying for it.

In addition to the Mental Health and Corrections cost that could be involved in one of these children, since many of these women would be young women, more chance to have perhaps a premature baby or whatever the case might be, you are actually promoting further AFDC costs, and I think that is unfortunate.

I guess my whole reasoning, as I said at the beginning, in supporting this legislation is because I feel that this is discriminatory. If there are middle class or upper class women here who are able to afford and pay for, or at least somehow get the money, it would seem to be not only economically feasible or economically beneficial for the state to allow this to happen, but it also should be a moral, at least in my definition of moral, commitment of the state to provide free access or at least access equally to the system.

I hope you would vote against the motion to indefinitely postpone so that we might accept the Minority "Ought to Pass" Report.

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

**MR. MORTON:** Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Scarborough mentioned that this was one of the abortion bills and I suppose you have to classify it as an abortion bill, but it really is the first bill that we have had before us which did not deal directly with abortions and how abortions can be obtained and the words and the methods and the laws prescribing how you get to that point, because this bill is a completely different bill in that it deals with the state's concern and really a human concern, a fundamental human concern, and that is discrimination because a woman does not have the ability to pay for an abortion.

We have dealt favorably with the concerns of those who wish to circumscribe the legal medical procedure. We have dealt with viability, we have dealt with informed consent, we have dealt with parental notification, and all of these have been dealt with favorably by this House, presumably by the legislature. So, we have created through law a situation where the safeguards surrounding the commencement of this legal procedure are as stringent as we can make them.

After all this, the legal medical procedure, based on the free choice between a woman and her doctor, can go forward legally in the State of Maine. This bill, L. D. 1410, merely provides that the funds for persons otherwise eligible under Medicaid. The guidelines have already been set up, the screening has been done, these people have been determined to be needy people. Would we deny them the right to have this legal medical procedure arrived at after all of the possible concerns have been met, concerns that this House has decided were legal concerns? Would we then turn around and take away from them the privilege of going through with this procedure and having it paid for by the state if they can't afford it? If they have already been determined by Medicaid rules to not be able to afford it, is that fair? Is that the kind of fairness that this House, this legislature, wants to put forward today? I certainly hope not.

There is a great deal of information about the medical concerns or delays in abortion. I am prepared to go into that but I won't at this point in time. All I want you to think of right now is the fairness of it. That is the issue. It is a legal procedure, we have circumscribed it to the best of our ability. I am asking you, would you take it away from poor women? That is what you would be doing if you vote yes. Therefore, I urge you to vote no on the motion of the gentleman from Lewiston, Mr. Jalbert, that we indefinitely postpone.

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

**MR. JALBERT:** Mr. Speaker, Ladies and Gentlemen of the House: The good gentleman from Scarborough, Mr. Higgins, mentioned the word conscience. Occasionally, a bill comes before us which reminds me that at least I do have a conscience and this bill is one of them.

There is at least one sound that is more precious to me than the ring of a cash register, and that is the sound of a cry of a newborn baby. In the 33 years that I have served in this House, L. D. 1410 is the most hard-hearted attempt I have seen to place dollars and cents over human lives.

In 1977, the United States Supreme Court said that although we must tolerate the killing of unborn children until they are viable, we are under no obligation to pay for it and it is killing. In the legal sense, it is not murder but it is killing, and I don't want the taxpayers' money going for this.

It may be argued that it may be wrong to bring the child into the world if its parents are on poverty, but right to decide, before the fact, that a given person's life will not be worth living, nor can it delegate that choice to a private party. Many people, indeed, undoubtedly some members of this House, have overcome a poor economic background to lead self-fulfilling and productive lives.

If we adopted this "kill now, ask questions later" attitude, who would be next on the list? The ill, the old, the disturbed, the retarded, the handicapped? Who would come after that? Would this "final solution to the welfare problem" be applied to the unemployment problem as well?

What more inhumane statement could the State adopt than a public policy to say that it is cheaper to abort the children of the poor than to bring them up in welfare? This can have appeal only if we try to reduce human existence to a purely material level, only if we see one another, and ourselves, as nothing but systems of matter in motion. If we think of ourselves as something more than robots, we must reject this general idea, and L. D. 1410 along with it.

But the bottom line on this aspect of the issue is that if the proponents of abortion on demand are so interested in funding abortions for poor women, why don't they take their own money and pay for them instead of lobbying us to use the people's money for it? Why do they insist on

implicating the state in their own inhuman cost-benefit analysis approach to human reproduction?

Now, people will say that there is no reason why we should object to the taxpayers' money going to fund abortions because pacifists pay taxes that support defense programs and Christian Scientists pay taxes that support Medicare and Medicaid. But this response is inadequate on at least two counts.

First, it is clear that a majority of our people believe in defense programs and public health plans. It is simply a consequence of majority rule that some individuals end up paying for programs they oppose. But we are here today, as representatives of the people, to determine what the policy of this state will be on public funding of abortions. If we believe that the majority of our people are conscientiously opposed to such funding, that is a perfectly adequate reason to vote against it. The notion that minorities of conscientious objectors should not have a veto on public policy does not mean that a majority should not be able to prevent the enactment of laws to which they are conscientiously opposed.

Second, national defense can only be provided by the government. There is no way that private groups could successfully defend themselves against the Russians, the Chinese, or anyone else who might pose a threat to our collective existence. Furthermore, we have decided as a society that some health-care services are best administered by the government, largely because of its power to tax and the fact that we have payroll deductions for income tax purposes anyway.

Abortion funding is different in that it is a much smaller and more specialized activity than national defense or Medicare. There is no reason why individuals who believe in abortion can not contribute \$180,000 of their money to a pro-abortion organization, with the understanding that it will pay for abortions for poor women. Unlike the situations of national defense and Medicare, there is no reason why the government must assist in the process.

Some people will probably say that this issue has too much religious bias attached to it. But I don't care what religion you are, or how religious you are, or whether you are religious at all, there is no way that you can justify morally or philosophically putting a price tag on human life.

And that is precisely what this bill does. Just look at the title: "An Act Appropriating Funds for Abortion Procedures for Persons Otherwise Eligible Under Medicaid and to Effect Substantial Savings in the Costs of Government Services."

It makes a glittering promise of saving "at least \$4,000,000 per year in the escalating costs of government spending."

One would think that the people who are pushing this bill had only two things on their minds: abortion, and saving money and doing the one by means of the other.

If we let this one go by, the next step will be to cut off welfare to women who don't have abortions. Why not? It's the same idea. It's saving the taxpayers' money. And we're all for that. But, Mr. Speaker, I'm not interested in saving money at the cost of innocent human lives.

If we want to save money on AFDC, why don't we chase down the husbands who are living on AFDC. Make them pay.

Mr. Speaker and members of the House, my indignation at this bill is not confined to the notion of killing unborn children to save money. A true and honest effort would have been to ask for more money for sex education, and the general administrative costs of family planning services. But instead, we get one more abortion bill, and this is the biggest abortion bill I've seen since I've been here.

I hope my motion prevails.

**THE SPEAKER:** The Chair recognizes the

gentleman from Wiscasset, Mr. Stetson.

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: Abortions did not originate with the Supreme Court decision. Abortions did not originate in this decade or even in this century. Abortions have been performed in the State of Maine for many years more than the gentleman from Lewiston has served in our legislature. Abortions have always been available to the wealthy and generally denied to the poor.

I ask the good gentleman from Lewiston, what does he suggest for the victim of incest? What does he suggest for the victim of rape if she cannot afford an abortion? What does he suggest for the poor person with the unwanted pregnancy? I suggest that this has become necessary. This bill has become necessary to the evolution of medical practices and the financing of medical practice in our country and in our state.

I hope that you would vote to defeat the motion.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I think that this morning I can put my voting record on the line with any member of this House in voting for programs for poor people. I will put my record voting for poor women and poor families against anyone in this House, and if they want to challenge me this morning, I will be glad to do so.

I have always supported programs for those less fortunate than ourselves. I have supported AFDC payments. I have supported all kinds of programs to help those people. I am proud to say that today, even though some people in my community have said a few words that I have turned a little too liberal when it comes to the poor people of this State. Well, I don't think so. You know why, because I think it is right to help poor people. But today I would rather spend money to raise that child, rather than spend it on that mother to have an abortion, so that child could live in our world today.

I have known many poor children in my community without a father. One is a medical student at a western college and the other one is a captain in the Marine Corps in Okinawa or some Pacific Island—poor, but believe you me, they have made something of themselves. Killing unborn children is just an excuse for killing. I was going to say another word but I have been advised not to use that word on the floor of this House, so I will not say it.

I think this morning that we are talking about a very, very important issue. You know, I don't have to stand before you—I have all kinds of information here, I have all kinds of information that has been passed out. I don't need that to tell you what is right. I don't need that for the simple reason that we know that abortion is wrong. Abortion is killing a human being. Being poor is no excuse for killing, and being rich is no excuse for murder.

I can only ask you today to do what is right. I can ask you today because I know what is right. Giving a child a chance to live in this world is the most important thing that this legislature could do. That is important because each and every person, regardless of race and color and creed, we all have that constitutional right to live in this world. That is what made this country so great. Sometimes I think that certain groups are trying to destroy our heritage, but I know we will win because, you know, we here in Maine, our people are always the strongest when the going is the toughest.

I know today that if we authorize paying for killing of little babies, it is probably one of the greatest injustices that this legislature can ever do. I would pay dearly in my taxes to see that that child has the right to live. I would pay his mother and I would pay for his education through my taxes, because I know that is what is right.

I have heard so many people say to me, why

keep the child if he is not wanted?

They are poor. It is no disgrace to be poor, but it is a disgrace to kill human beings.

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

Mr. BARRY: Mr. Speaker, Ladies and Gentlemen of the House: To clarify the good gentleman from Wiscasset, Mr. Stetson, under current law, under current federal guidelines, through the Hyde Amendment Medicaid abortions are performed in the cases of rape, incest, life of the mother or severe long-lasting physical health damage to the mother. So, in the State of Maine abortions are performed for these reasons.

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I had every intention of speaking on this issue today because what I see this issue as, is one medical rights—Medical rights.

You know, I had a conversation with a friend of mine last weekend. He suggested perhaps that I put in a bill whereby you would only get Medicaid payments if you could afford to pay your bill. That doesn't sound very logical. Well, I suggest that cutting poor women off from Medicaid payments is not very logical.

I am directing these comments—not that I expect I am going to get most of you people to listen to what I have to say, I just wanted to get them on the record because I happen to feel very strongly about the issue of medical rights and a person's availability to get to see a doctor and to see that it is paid for.

I had a very interesting conversation when I was running for election with a member of the clergy. We discussed this issue at quite some length. I brought up the fact that what happens to a woman when she can not get this particular abortion under safe conditions, what would happen if she wound up going to a butcher in some back alley and dying? His answer was, "that is irrelevant." My point is, that is precisely the issue. I am concerned about the life of the mother, I am concerned about what is going to happen to her if she is forced to go to some of these butchers in some of these back alleys and don't kid yourself, it happens, and that is death.

I would like to deal with another issue here that really bothers me. I feel we get often into debating the issues of theology. You know, we talk about when does life begin? When does the soul enter the human body? I think theologians debate that constantly. I really can't say, I am not about to, I am not a theologian. There are different points of view on that. Some say the soul enters the body at such and such a time; some say it enters the body upon birth. So, I really don't think this body should be in the business of trying to legislate a theological position. I am afraid that is what we do when we deal with this issue.

There is something else that I wanted to bring up too. The good gentleman from Lewiston talked about the majority of people favoring defense spending. There was a survey taken and announced on MTDM sometime last week in which it said that the majority of the people favor Medicaid funding for abortion purposes, roughly 70 percent. I think the survey was taken by Redbook.

Last, I am going to something very disgraceful, I am going to read a section from the Democratic Party Platform. In Chapter 8, Section 81, they support the right of all women, regardless of income status, to have medically safe abortion procedures. Now, I realize that is very disgraceful because, after all, you are not supposed to bring up something like this in the legislature. Politicians are never known to run on their platforms, always away from them. I have said that many many times before. But I think there is an indication that there is another sentiment out there that is not being listened to. That sentiment obviously voiced itself

within the political process.

I am really afraid that someday we will have a national health service in this country and we are going to start denying people their right to see a doctor and get the adequate medical care they need because we find some objection to the type of care that they need and seek. That bothers me.

I realize some of the things I have said today are not very popular, you are going to be very upset that I said them, but I had to say them, and as long as I am involved in this process, I am going to say them.

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

Mr. CLOUTIER: Mr. Speaker, Ladies and Gentlemen of the House: In response to some of the things that my good friend and colleague Mr. Baker brought up, I wouldn't be at all ashamed to bring those things up and I commend you for doing that. I think we ought to bring everything out in the open. I think you should be very proud of yourself for doing that.

I talked to Commissioner Petit and I wrote up a letter here and I asked him to answer a few questions for me in regards to this particular issue. I just wanted to relay those things to you. Unfortunately, I didn't have enough time to have one placed on everyone's desk. My main concern for asking the commissioner for these particular questions was in direct reference to this bill. The first question was: When the Department of Human Services started funding elective abortions several years ago was there a substantial savings realized within the year?

The Commissioner's response was: When this Department started funding elective abortions, we did not realize "substantial" savings in either our AFDC or General Assistance programs.

Then I asked him another question: When the Department stopped funding elective abortions in 1977 in accordance with HEW regulations established by the Hyde Amendment, was there a substantial increase in costs of related government services within the year other than the ordinary rise in costs?

His response was: We experienced no "substantial" increase in our AFDC or General Assistance program costs when the Department ceased paying for elective abortions.

I asked him another question: What is the cost per year of one woman with one child receiving AFDC, food stamps and Medicaid?

The total state-federal cost per year for one year for one woman with one child was—for AFDC, \$2,340; for food stamps, \$1,260; and for Medicaid, \$1,140. Now, that is for one woman with one child.

Then I asked him, what is the percentage of federal funds involved in AFDC? What is the percentage of federal funds involved in food stamps and what is the percentage of federal funds involved in Medicaid?

The answers were: For AFDC, 69.74 percent; for food stamps, 100 percent of bonus stamp value; for Medicaid, 69.74 percent.

Since federal funding of abortions has been restricted to only those cases involving the life and health of the mother or rape or incest, I asked him if I was correct in assuming that the funds requested by this bill are entirely state funds.

The answer was, you are correct, that federal regulations restrict federal financial participation in funding of abortions performed where the life or health of the mother is at issue or rape or incest. The funding of abortions other than for those reasons listed above would require 100 percent state funds.

I don't want to get emotional about this, and I hope that I didn't. I just wanted to bring out to you some facts that I think you should have heard.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and

Gentlemen of the House: I would like to deal with this fairness argument, if we could for a minute. Some of my conservative friends in the House argue that we have to pass this bill to be fair to the poor people. Well, I guess the only way I would consider it being fair to taxpayers, if you are going to use their money, is to fund everybody's abortion. I know a lot of middle income people who aren't eligible for Medicaid that don't have \$200 to get an abortion. So I don't understand this argument that the legislature or the state owes these people an abortion because they are poor. I will bet you there are many people here who can think of women in their communities who have four or five kids and a husband who works at the shoe shop or papermill. She can't scratch up \$200 or \$250 to get an abortion, so why should the state pay for poor people's abortions? I don't really buy that argument. If you want to be fair, I guess you would have to be in favor of funding everybody's abortion, whether they be middle income, low income or wealthy.

I am also interested in the arguments on the fairness issue. Let's talk about other things. I don't necessarily think everybody is equal. There are a lot of things wealthy women can do that poor women can't do, unfortunately, but that is the way it is. There are some people in this hall that can probably go to Florida for two weeks in the middle of the winter, there are some that can't.

The argument of fairness—I hear some of my more conservative friends on the Appropriations Committee talking about fairness. Well, we talk about issues of fairness every day, whether it be educational opportunity, employment opportunity, and I would suggest that if you check those people's voting records, they tend to come down on the conservative side of all those issues. So why all of a sudden on abortions is it so important for us to be fair and treat everybody equally?

You know as well as I do that the resources of society aren't divided up equally, and to make the argument that the state should fund abortions is really beyond my idea of what we should or shouldn't be doing in state government.

I hope you will vote for Mr. Jalbert's motion.

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

Mr. D. DUTREMBLE: Mr. Speaker, Ladies and Gentlemen of the House: This is a very emotional issue, but I would like to say a few words here. When I watch the news on TV and I see that 270 people got killed in an accident, plane accident, that bothers me. When I see people get killed in the Middle East, that bothers me. Nothing is more upsetting to me than this whole idea of abortion. At least all these other people I have spoken about have at least had a chance. When you speak of abortions, you are talking about preventing lives, young babies that will never have a chance. But the courts have rules that that is all legal, so there is not very much I can say about that. I have to live with it.

Now we are talking about an entirely different situation, you are talking about something that I don't have to live with. We are finding excuses here to fund abortions. It is already funded by Medicaid to a certain degree, and now we are trying to find excuses why we should fund it some more. There were two reasons clearly stated here this morning, one was by Representative Baker, medical rights. Well, every woman right now who wants to have an abortion has the medical right to get one. The courts have said so. Just don't ask me to pay for it. That is all I am saying.

The second reason, we are talking about welfare here. The reasons stated why we should allow abortions are incest and rape, deformed children, and now we are adding a new one, to save money for welfare. I am just asking, when are we going to stop this or are we just going to keep on going?

I would hope that we would indefinitely postpone this bill.

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 Portland, Mr. Baker.

Mr. BAKER: Mr. Speaker, just very briefly, I would like to address one point to the gentleman from Waterville. As you all know, I favor a national health insurance program, I believe both parties favor some kind of program, but we get that kind of program in which all our medical benefits are taken care of through a comprehensive insurance plan, I am afraid we have to do something to help poor people.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I have listened to the debate very carefully this morning, and although the economic arguments are valid arguments, I think the important ones still go beyond them.

The gentleman from Lewiston, in his prepared remarks, got into the killing syndrome, and while I regret that terminology I accept the fact that it is there, but I would state that I have pretty good information right here, it is in the New England Journal of Medicine and it is prepared by a Lawrence M. Burger, M.D., from the University of Washington, statistics studied very carefully, and I would quote:

"Denial of public monies for legal abortions will result in excess maternal deaths, no matter what alternatives a woman chooses." It is just as simple as that. "Mortality in pregnancy and childbirth is greater than a legal abortion, regardless of maternal age or race. Delay in obtaining legal abortion, means exposure to increased risk of death associated with advancing gestational age. For instance, there is a 50-fold increase in maternal deaths for abortions performed at 16 weeks as compared to 9 weeks." So it is very obvious that delay is very important. And for women who resort to illegal abortions, there is a 100-fold increase risk as compared to early legal abortions.

So, if you are talking about killing, let's balance it out a little bit.

I, too, am concerned with the life and health of the mother. I think that is important. I think we have progressed in our society to a point where the quality of life is important, and that is one of the reasons why I have always stood for free choice.

The gentleman from Lewiston mentioned the words 'abortion on demand.' I would point out to you that that is an incorrect combination of words. I have said it before and I will say it again—it is not abortion on demand, it is abortion of a woman in consultation with her physician.

He says, "Why insist on state involvement." We are not insisting on state involvement. Again and again and again I must say that it is a matter of choice. No one is being required to have an abortion. We are merely making it possible for someone to make that legal choice, and that is all that is being asked here, is that a woman who cannot afford it should not be required, if she chooses to have an abortion, to go somewhere other than a good, medical, legal procedure.

The point has been made that we should perform abortions for everybody. Well, that is a little bit ridiculous on its surface, because we don't perform appendectomies and a lot of other things for everybody.

We have decided in this country that we will

put guidelines around the eligibility for medical services, and those Medicaid guidelines are in place, as I said before.

I guess finally I have got to finish this because I realize it is not going to change many votes, probably none, but I am still talking about the fairness, and I guess the ultimate fairness, as I see it, is that those who honestly get up here and talk about opposing abortions as such, and they have no right to tell me whether or not I do oppose abortion, because they don't know and I have never had to make that decision, that is not the point. The point is, it is a legally accepted, free choice, and the bottom line should not be that someone else's ideas, such as those of the Representative from Westbrook, should be imposed upon others. The imposition of ideas is not the function of this legislature and we should never forget that as we attempt here to provide for poor women a legal procedure, and I certainly hope you defeat the motion to indefinitely postpone.

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

Mr. SIMON: Mr. Speaker and Members of the House: In response to the comments of the good gentleman from Farmington, Mr. Morton, it was predicted that after Congress adopted the Hyde Amendment, there would be a blood bath, that the back alley butchers would get into the action and the life and health of poor, pregnant women would be endangered. However, a study by the Center for Disease Control and Welfare, dated February 2, 1976, revealed that in the thirteen states studied, no abortion deaths had resulted from illegal abortions and no rise in complications related to abortions had been found. I think that that pretty much takes care of the life and health argument.

With respect to the fairness argument, there are many constitutional rights that we do not pay for people to exercise. If I believe that the gentleman from Wiscasset, Mr. Stetson, should be on the Supreme Court, I have a perfect right to say that, but neither this legislature nor the Congress of the United States has an obligation to pay for TV time for me to say that.

I think the fact that this particular right has been singled out for funding in order to save money gives the lie to the fairness argument. This is a cost effectiveness bill, it is a cost effectiveness bill pure and simple, and I hope that you will vote yes on Mr. Jalbert's motion to indefinitely postpone.

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

Mrs. HUBER: Mr. Speaker and Members of the House: I won't take very long, but there are some words that have been spoken before that can't be spoken here today, and I would like them to appear on the record and to have whatever influence on you they may.

First of all, I will like to quote the Honorable William G. Milliken, the Governor of Michigan, a man who has twice vetoed language which would prohibit a full-run equal access to abortions. This is what he had to say.

"Using Medicaid funds to reimburse abortion costs is comparable to using tax monies to protect any other legal right in society. Property rights are protected through public safety and law enforcement expenditures. The right to education is assured by funding our public schools. The right to necessary medical services is assured through the Medicaid and Medicare programs. How meaningful are these rights without funds to assure that individuals have access to them?"

"The Medicaid statute provides for federal and state sharing of the costs of necessary medical assistance to the needy; it includes various benefits in individual states. Opponents of such public funding for abortions argue that abortions are merely conveniences, that they are not medically necessary and should not therefore be funded. But, clearly, pregnancy is

a health condition that requires medical attention. Prenatal care and medically supervised delivery are necessary if the pregnancy is to be brought to term safely. If the pregnancy is to be safely terminated, an abortion should be performed by a skilled medical practitioner under sanitary conditions. Neither choice can be deemed more necessary than the other. Since Medicaid coverage includes reimbursement for full-term deliveries, failure to provide funding for legal abortions restricts the choice of the poor woman to bearing an unwanted child.

"Once the government decides to pay for medically necessary health services for the needy, it departs from its position of neutrality by deciding to fund or not to fund a particular health service. It would be wrong to require needy women to obtain abortions, and it is no more right to prohibit them from obtaining abortions."

Back in 1977, when the Supreme Court made a decision on the federal level to stop funding abortions other than to save the life of the mother and in cases where two physicians determine serious health effects would take place, and in cases of proven rape or incest, the Hyde Amendment, this is what the Supreme Court Justice Thurgood Marshall dissenting in that Supreme Court decision, had to say.

"The impact of the regulations restricting public financing of abortions for the indigent falls tragically upon those among us least able to help or defend themselves. As the Court well knows, these regulations inevitably will have the practical effect of preventing nearly all poor women from obtaining safe and legal abortions. . . The enactments challenged here brutally coerce poor women to bear children whom society will scorn for every day of their lives. . . I fear the Court's decisions will be an invitation to public officials, already under extraordinary pressure from well-financed and carefully orchestrated lobbying campaigns, to approve more such restrictions. The effect will be to relegate millions of people to lives of poverty and despair. When elected leaders cower before public pressure, this Court, more than ever, must not shirk its duty to enforce the Constitution for the benefit of the poor and powerless."

What about those public officials, what about me? Well, let me give you two more examples of what public officials on the federal level have done. The first statement I am going to read is that of Senator Edward Kennedy.

"In those cases of genuine medical necessity, the availability of abortion is equally important for all women—regardless of economic status. The Hyde Amendment," under which Maine operates, I might add; "applies only to the poor, the most powerless segment of our society. The Hyde Amendment would impose upon them a standard no other woman would have to live up to. We know what the effects will be on these women, thousands of medical complications," yes, thousands, and many deaths. This is a burden that most of the women in this country do not carry. It is a burden that Medicaid recipients should not carry."

I have told you what some fairly thoughtful people have had to say on this issue. I don't have much to add, just two quick thoughts—one is that they can only stop paying for them. Secondly, yes, Mr. Carter and Mr. Boudreau, life may not be fair but laws should be.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that this bill and all its accompanying papers be indefinitely postponed in non-concurrence. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Barry, Beaulieu, Berube, Birt, Blodgett, Bordeaux, Boudreau, Brodeur, Brown, A.; Brown, D.; Brown, K.C.; Call, Car-

rier, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Cloutier, Conary, Cunningham, Curtis, Damren, Dexter, Diamond, Doukas, Drinkwater, Dudley, Dutremble, D.; Dutremble, L.; Elias, Fillmore, Fowle, Gavett, Gillis, Gwadosky, Hanson, Hickey, Hobbins, Hunter, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kany, Kelleher, Laffin, Lancaster, LaPlante, Leighton, Leonard, Lewis, Lizotte, Locke, Lowe, MacBride, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Matthews, Maxwell, McHenry, McKean, McMahon, McPherson, McSweeney, Michael, Mitchell, Nadeau, Nelson, A.; Nelson, N.; Paradis, Paul, Payne, Pearson, Peterson, Prescott, Reeves, J.; Rolde, Rollins, Roope, Sherburne, Silsby, Simon, Smith, Soulas, Stover, Studley, Theriault, Tierney, Tozier, Tuttle, Twitchell, Violette, Wentworth, Whittemore, Wood, Wyman, The Speaker.

NAY — Austin, Bachrach, Baker, Benoit, Berry, Bowden, Brannigan, Brenerman, Brown, K. L.; Bunker, Connolly, Cox, Davies, Davis, Dellert, Dow, Fenlason, Garsoe, Gould, Gowen, Hall, Higgins, Howe, Huber, Hughes, Hutchings, Jackson, Kiesman, Lougee, Lund, Masterton, Morton, Nelson, M.; Norris.

ABSENT — Gray, Immonen, Peltier, Sewall, Strout, Tarbell, Vose.

Yes, 103; No, 41; Absent, 7.

The SPEAKER: One hundred three having voted in the affirmative and forty-one in the negative, with seven being absent, the motion does prevail.

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

Mr. PEARSON: Mr. Speaker, having voted on the prevailing side, I now move reconsideration and I ask you all to vote against me.

The SPEAKER: The gentleman from Old Town, Mr. Pearson, having voted on the prevailing side, now moves that we reconsider our action whereby this Bill was indefinitely postponed. All those in favor will say yes; those opposed will say no.

A Viva Voce Vote being taken, the motion did not prevail.

Sent up for concurrence.

#### Non-Concurrent Matter

Bill "An Act to Establish Special Retirement Provisions for CETA Employees" (Emergency) (S. P. 68) (L. D. 809) on which the Bill and accompanying papers were indefinitely postponed in the House on May 23, 1979.

Came from the Senate with that body having insisted on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-201) in non-concurrence.

In the House: On motion of Mrs. Berube of Lewiston, the House voted to insist and ask for a Committee of Conference.

By unanimous consent, ordered sent forthwith to the Senate.

#### Non-Concurrent Matter

Bill "An Act Amending the Claim Period Provision of the Workers' Compensation Act" (H. P. 706) (L. D. 881) on which the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-450) Report of the Committee on Labor was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-450) in the House on May 23, 1979.

Came from the Senate with the Minority "Ought Not to Pass" Report of the Committee on Labor read and accepted in non-concurrence.

In the House: On motion of Mr. Wyman of Pittsfield, the House voted to insist and ask for a Committee of Conference.

By unanimous consent, ordered sent forthwith to the Senate.

#### Non-Concurrent Matter

Bill "An Act to Provide a Grant to Commu-

nity Health Services, Inc., for a Long-term Care Demonstration Project" (H. P. 1087) (L. D. 1343) on which the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-390) Report of the Committee on Health and Institutional Services was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-390) as amended by House Amendment "B" (H-455) thereto in the House on May 22, 1979.

Came from the Senate with the Minority "Ought Not to Pass" Report of the Committee on Health and Institutional Services read and accepted in non-concurrence.

In the House: On motion of Mrs. Prescott of Hampden, the House voted to insist and ask for a Committee of Conference.

By unanimous consent, ordered sent forthwith to the Senate.

#### Non-Concurrent Matter

Bill "An Act Pertaining to Motor Vehicles Passing Stopped School Buses" (H. P. 1041) (L. D. 1278) (S. "A" S-188 to H. "A" H-368) which was passed to be Enacted in the House on May 23, 1979.

Came from the Senate, Failing of Passage to be Enacted in non-concurrence.

In the House: On motion of Mr. Cox of Brewer, the House voted to insist and ask for a Committee of Conference.

By unanimous consent, ordered sent forthwith to the Senate.

#### Orders

##### Tabled Unassigned

On motion of Mr. Higgins of Scarborough, the following Joint Order: (H. P. 1435) (Cosponsors: Mr. Diamond of Windham, Senator Gill of Cumberland and Miss Brown of Bethel)

WHEREAS, ambulance services perform a vital and essential function, especially in rural communities of this State; and

WHEREAS, licensing standards for these services should be consistent and definite so as not to interrupt performance; and

WHEREAS, some ambulance services wishing to provide emergency care or transportation have been frustrated by changing standards for licensing; and

WHEREAS, the Revised Statutes, Title 32, section 73, authorizes the Department of Human Services, with the help of an advisory board, to adopt rules and regulations for licensing of ambulance services and ambulance personnel; and

WHEREAS, pursuant to a regulation, the department has entered into a relationship with Medical Care Development, Inc., a private entity, in order to implement other regulations, possibly including licensing regulations; and

WHEREAS, part of the relationship with Medical Care Development, Inc., involves the receipt of federal and state funds; now, therefore, be it

ORDERED, the Senate concurring, subject to the council's review and determinations hereinafter provided, that the Joint Standing Committee on Health and Institutional Services and the Joint Standing Committee on Appropriations and Financial Affairs, or any subcommittee or subcommittees which they may designate and which may include one non-member legislator to be designated by the unanimous vote of the chairpersons of those Joint Standing committees, shall study the present operations and programs of Medical Care Development, Inc., the feasibility of restructuring the present law relating to the licensing and testing of ambulance service and ambulance personnel to eliminate the uncertainty and confusion that results from constantly changing standards and shall study the necessity and propriety of delegating responsibility in this area to private sector entities or persons; and be it further

ORDERED, that the committees report their findings and recommendations, together