

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Twelfth
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

December 5, 1984 - June 20, 1985

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Members of the House: I rise today in support of this bond issue for several important reasons. I think this bond issue is especially important to those communities in the state that have a valuable resource based industry, whether it is agriculture, whether it is forest products or whether it is ocean products. We need the involvement of high technology industry in these industries. We are already paying an extremely high price tag for our sea grant university, for our engineering college, for our forest products college and for our land grant agricultural college. We are already buying these facilities. It only makes sense to use these facilities to their maximum potential. We need this research park to attract the private investment in research that we are already so heavily committed to through the public sector.

All of the industries that we think about in terms of the natural resources, all of the agricultural commodities, stand to benefit from facilities that can add to the further processing and the value added marketing of these products. The value added marketing is where the bucks are, that is where we can stand to improve our agricultural communities.

You know a hundred years ago, this legislature took a bold step in creating a land grant experimental college. When they did that, they had no idea what the results would be. The results, as you well know, have been fantastic. I think, at this point, the legislature needs to take, not even as bold a step in simply giving the voters an opportunity to listen to the various individuals make their case for and against this bond issue. It may be penny wise and pound foolish to spend the millions and millions that we do on the facility at the University of Maine and not approve this bond issue which would allow the private sector to further enhance that facility.

The SPEAKER: The Chair recognizes the Representative from Monmouth, Representative Davis.

Representative DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: Just one question if I may.

What is the structure of the governance proposed for this facility?

The SPEAKER: Representative Davis of Monmouth has posed a question through the Chair to any member who may respond, if they so desire.

The Chair recognizes the Representative from Orono, Representative Bost.

Representative BOST: Mr. Speaker, Ladies and Gentlemen of the House: I hope this will answer Representative Davis' question. The State of Maine would own the communication system and the food product and process development center. These facilities would, however, be leased to a specially created locally based non-profit corporation that would guarantee to the state that it would be responsible for financing and managing the operation of the proposed facility. The arrangement is similar and has precedent in both the Eastport and Searsport Port Development projects.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Bott.

Representative BOTT: Mr. Speaker, Men and Women of the House: Over the years, we have contributed a substantial investment in the University of Maine system and in higher education in general, an investment that continues, one that not only benefits the students that graduates but benefits the state as a whole. This is a proposal to more fully realize that investment to provide jobs, to establish a partnership between business and higher education.

I would submit to you that what we will reap from this \$4.3 million will be far greater in terms of benefits, in terms of jobs, in terms of the future of this state. I would submit that we will get much more than the \$4.3 million that we are asking here today. I hope you will sup-

port this bond issue.

The SPEAKER: The pending question before the House is passage to be enacted. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 187

YEAS:—Aliberti, Allen, Baker, A.L.; Baker, H. R.; Beaulieu, Bost, Bott, Boutilier, Bragg, Brannigan, Brown, A.K.; Carrier, Carroll, Carter, Cashman, Chonko, Clark, Coles, Connors, Connolly, Cooper, Cote, Crouse, Crowley, Descoteaux, Dexter, Diamond, Drinkwater, Duffy, Erwin, Farnum, Foster, Gwadosky, Hale, Handy, Harper, Hayden, Hichborn, Hickey, Hoglund, Ingraham, Jacques, Jalbert, Joseph, Kane, Lacroix, Lander, Law, Lawrence, Lebowitz, Lisnik, MacBride, Macomber, Manning, Martin, H.C.; Masterman, Matthews, Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, Moholland, Murphy, E.M.; Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, Nicholson, Nickerson, O'Gara, Paradis, E.J.; Paradis, P.E.; Parent, Perry, Pines, Pouliot, Priest, Racine, Randall, Reeves, Rice, Richard, Ridley, Rioux, Roberts, Rolde, Rotondi, Ruhlin, Rydell, Salsbury, Scarpino, Sherburne, Simpson, Smith, C.B.; Smith, C.W.; Soucy, Stevens, A.G.; Stevens, P.; Stevenson, Strout, Swazey, Tammaro, Tardy, Taylor, Telow, Theriault, Vose, Walker, Warren, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton, The Speaker.

NAYS:—Armstrong, Begley, Bell, Brown, D.N.; Cahill, Callahan, Davis, Dellert, Dillenback, Foss, Greenlaw, Hepburn, Higgins, L.M.; Hillock, Holloway, Jackson, Kimball, Lord, McPherson, Murphy, T.W.; Seavey, Small, Sproul, Stetson, Webster.

ABSENT:—Bonney, Daggett, Higgins, H.C.; Paul.

122 having voted in the affirmative and 25 in the negative with 4 being absent, the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter: An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 for Sewage Treatment and Water Quality Improvement Facilities and Restoration and Cleanup of Oil Contaminated Ground Water and Well Water (H.P. 907) (L.D. 1306) (C. "A" H-380) which was tabled earlier in the day and later today assigned pending passage to be enacted.

In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 127 voted in favor of same and 10 against, and accordingly, the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

The following item appearing on Supplement No. 13. was taken up out of order by unanimous consent.

Reports of Committees Divided Report

Seven Members of the Committee on Judiciary on Bill "An Act to Require Parental Consent in the Case of Minors' Abortions" (H.P. 298) (L.D. 387) report in Report "A" that the same "Ought to Pass" as amended by Committee Amendment "A" (H-408)

Signed:

Senators:

CARPENTER of Aroostook
SEWALL of Lincoln
CHALMERS of Knox

Representatives:

COOPER of Windham
STETSON of Damariscotta

ALLEN of Washington
PRIEST of Brunswick

Five Members of the same Committee on same Bill report in Report "B" that the same "Ought to Pass" as amended by Committee Amendment "B" (H-409)

Signed:

Representatives:

CARRIER of Westbrook
DRINKWATER of Belfast
MacBRIDE of Presque Isle
LEBOWITZ of Bangor
PARADIS of Augusta

One Member of the same Committee on same Bill reports in Report "C" that the same "Ought to Pass" as amended by Committee Amendment "C" (H-410)

Signed:

Representative:

KANE of South Portland

Reports were read.

Representative Kane of South Portland moved acceptance of Report "C".

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Kane.

Representative KANE: Mr. Speaker, Ladies and Gentlemen of the House: As many of you know, I have been very busy lately with exams and exam preparation of one kind or another. I just wanted to publicly thank the members of my committee who have been more than gracious and understanding to me during this time. They couldn't have been more considerate and I want to publicly thank them.

With regard to the numbers of people on these reports, I would like to think that had I been around here a little more and a little sooner with regard to the work sessions on this bill, I have had indications that maybe I wouldn't be standing out there all by myself, but you will have to judge that yourself.

The other thing I would like to say, preliminarily is that I hope that everyone in this House considers each of these reports, the result of an effort of unquestionable good faith on the part of each signer to each report. I can assure you that is the case. The committee worked long and hard and diligently on this and the best we could do was three reports. We could not come to one mind on this bill.

I would like to comment about how one might approach a bill like this. It has been my experience that bills of this type are the most emotional and potentially explosive bills that any member of this legislature is going to hear. Political scientists tell us that there are a couple of ways that legislators do their job. There are issues where you sort of try to take the pulse of the people at home and then you come up and vote the way they would have voted had they voted on those issues en masse. Then there are other issues where, in effect, the power is delegated to you as an individual because they are delicate sort of judgments that really are very difficult to make en masse and, in that instance, I think a person elected to a legislative position has got to make up his mind after consulting his or her own conscience and then go home and face whatever the consequences might be.

I think this is probably the classic issue of this type to apply that sort of analysis where it really isn't one but you can check out people at home and see where they are going to be. Everybody, after voting on this bill, will have made people in his or her district unhappy. This is just the kind of issue, I think, when all the smoke clears and we are not in this business anymore, in the end, one has to live with one's self first. So that is the way I have approached this issue. I know that is the way other members of my committee have approached this issue and it has been very difficult for everybody and that is the way I would suggest other people think about it too.

I would like to ask people if they would — other people are interested in other reports on

this issue to forego exercising their right to object to my mentioning other reports than the report which I have moved because there is no way that I can meaningfully explain the report, which I recommended to you, without explaining the original bill which came to the committee and the process to which the committee went in order to get to this point today.

The original bill, which is before you today as Report B, requires or would require that all young women in Maine under the age of 18, that is 17 and under, before having an abortion would have to have the consent of the parent or the legal guardian or would have to go to court, would have to go before a judge.

Now, it is far more complicated than that but I think that is a cogent general outline of it. I think that the majority of the committee's reaction to that proposal was they were troubled by it for two reasons, the first reason being, I think, that people were troubled by the age. Some people wondered whether or not young women 17 years old ought to be treated the same as adults or whether or not they ought to be treated like younger adolescents. Some people wondered whether or not 16 and 17 year olds should be treated as adults rather than as adolescents. But there was, I think, as you can tell by the report, a majority feeling that maybe every young woman under 18, was a little high. So, the other problem perceived with the original bill was the judiciary problem. A lot of people felt that having a young woman, whose circumstances dictated that she could not get parental consent or guardian consent, for whatever reasons and they could range across the board, it may not be a young woman who has difficulty communicating with her parents, it may be someone who has had a recently deceased parent, the other one is very bereaved, it may be an abusive home, an alcoholic home, or in the worst possible circumstances, it could be an adult within the family that was the cause of the pregnancy requiring that young woman, of course, to go and get permission from that same family, is a very harsh requirement to say the least. So, the majority of the people on the committee felt that it was a little difficult to require that young woman to go before a judge with the generally accepted connotations of one who stands before a judge has probably done something very wrong or at least been accused of it.

The second report came out of those fears and that second report is what has come to be known as the Cooper Compromise. What the second report does is, rather than have the judge in his or her robes sitting in the courtroom and having the young woman have to appear before the judge and get permission for the abortion, what was created was a special master sort of a system and some of you are familiar with that where a court will appoint someone in effect to carry out some of its duties, the idea being that this person would be clothed in judicial authority, would be acting under judicial auspices but the young woman who went before that person would not have to be in such terror to go before a judge.

The other problem that the judicial angle had was that in some other states, notably Massachusetts, passed a bill very much like Report "B". There were a lot of judges whose personal code was offended by having to give permission to a minor for an abortion so, in every case, they routinely refused themselves. So, common sense will tell you that for those judges whose personal code was not offended by having to perform that function, they were rather over loaded since all of those cases went to them.

The other part about what has been called the Cooper Compromise, and I think that special master provision is the most important, I think it is a very, very wise provision and that is incorporated in Report "C", but the other part about the Cooper Compromise which is before you, which is Report "A," is that it re-

quires counseling for those people — it sets the age limit at age 15 and under for people who either have to get consent or go before this special master. For those young women 16 and 17 in these circumstances, it requires some rather particularized counseling. That seemed to me all right for a while until the committee consulted with two people that I think can be called constitutional experts and those people agreed that, if there was going to be a constitutional problem with this and both of them thought there might be, that it would be in that requirement of consent since the Supreme Court has been rather hostile to requirements of information or counseling being given to someone who is going to have an abortion. Both those people did agree that the parental consent and special master judicial bypass substitute would be constitutionally sound. There would be no problems with it at all.

So the report, which I recommend to you today, Report "C", the difference between it and the Cooper Compromise is that the age is up one year. Report "C" treats 17 year old young women as if they are adults and it treats 16 year old young women along with other adolescents. There were two reasons that I thought that age was appropriate, one was that it seemed to me that a 17 year old is much more likely to be leaving the nest out of high school, going to school, going to a job, than a 16 year old. The other thing that persuaded me to put this 16 year old age limit in it was that this legislature in 1979 voted on a similar bill of parental notification to set that age at 16 and under. That was the judgment of this legislature, House and Senate, it was passed in both houses, signed by the Governor, but never went into effect because it was struck down by a federal judge for reasons which aren't too important to the bill before us today. But the judgment of the legislature six years ago in picking the age, I grant you that picking any age is arbitrary, but the law has to set ages in various places, it cannot do otherwise, so the 109th Legislature set that age limit and it never went into effect so I thought that this Legislature might have the opportunity to reaffirm that judgment and have that age of 16 years and younger as an option.

So to recap, I sort of apologize for having a third report before you because it is my fault, and it is confusing with three reports, but I think the thing to keep in mind is that the first report, the original bill, which is before you as Report "B", that includes everyone under the age of 18, if the young woman is in particularly difficult circumstances and can't talk to her parents, she will go before a judge under that bill.

I think that the second, Report "A," the Cooper Compromise, which is the Majority Report before you, the age is 15 and under. It has the special master substitute for going before the judge and my problems with that bill are that I really don't think in my own mind after consulting the few experts that we did consult that it is going to pass constitutional muster. I just don't think it will.

There is a provision in our statutes which should require a court, when looking at a bill like this, to strike down only those parts which it deems to be unconstitutional but if it is to do that it has to decide that these parts are separable. There is just no way that anybody can look at this bill and say that I can tell you that this bill is going to be declared separable. The various parts will come apart by a federal court.

I think the last time a bill like this left the legislature, I think only one sentence of it was left standing by a federal court.

So, I really think the difference between Report "C", which I am recommending to you, and Cooper Amendment, Report "A," is the age difference. One is 15 and under; Report "C" is 16 and under; and Report "C" requires no counseling whatsoever. Not that counseling in

the circumstance for young women 16, 17, whatever is not necessary or desirable or very wise, it is just that I am really convinced, that according to the advice that we received, and it came in very late, I might say, a lot of people's positions had really solidified by the time this advice came into the committee, which was unfortunately true. I really am quite sure that Report "C" would be found constitutional. I don't think there is anyone around except for one person, whose very hurried opinion I was stunned at, who suggested that Report "C", and he is a very partisan person, and not in this legislature, but I can really assure you that Report "C" is constitutional. I don't think anybody here or outside is going to tell you that it is not constitutional. I think it will pass muster.

With regard to the Majority Report and its potential constitutional difficulties, I would like to read to you from the two opinions that we got. One was from a professor in constitutional law at the University of Maine School of Law, and with regard to that section of that bill, he had reviewed that particular bill, he said: "well, the Supreme Court has recognized the state's interest in making sure that the abortion decision of a minor is made with careful deliberation, the court has also been hostile to informed consent requirements which unreasonably places obstacles in the path of a person making a decision."

The head of the opinions division in the Maine Department of Attorney General, in a written response to my request to him to advise us on the constitutionality of the Cooper Compromise, he said: "it is possible that the bill might not be found to be unconstitutional. On the other hand, if the committee were interested in removing all doubt whatever, it could do so by removing the mandatory counseling provisions from the bill completely."

Report "C" takes him at his word, removes all doubt whatever and takes out the mandatory counseling provisions of the bill.

Everybody on my committee, individually and collectively, has agonized over this bill. I know that people have given it a lot of thought. I know that people have talked about it among the committee. They have talked about it with families, they have talked about it with the clergy, with attorneys they know on the outside, some of them I am sure have even prayed about it. I suggest to you that this has been a very, very difficult issue for every member of my committee and there is no way to make it easy. That is why there are three reports before you today. But we could not come to one mind on this. The difference between my committee and this House is that this House will have to come to one mind. The buck really does stop here. I wish you well in your decision.

The SPEAKER: The Chair recognizes the Representative from Woolwich, Representative Cahill.

Representative CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to thank the gentleman from South Portland for explaining the three reports. From a non-committee member's perspective, it was very helpful.

I feel compelled today to share with you a story a friend shared with me recently. When this particular woman was very young, she discovered she was pregnant. She was embarrassed, she was scared to death and, although she came from a fine family and while she knew they would be disappointed, she knew they loved her and would be supportive of her no matter what her condition was. But did this young woman tell her family of her pregnancy? No, she didn't tell her family, she didn't tell her boyfriend, the father of her child, instead she found, and without any great difficulty, a doctor who performed illegal saline abortions. This incident happened 15 years ago in rural Maine so it is not a big city story. It happened in our back dooryard. She went to the doctor

alone and she waited in his outer office and, as she waited, she thought about all the things that could go wrong with her that day. No one knew where she was. She could hemorrhage and bleed to death, or if the doctor misjudged, she could give birth to a severely retarded and/or deformed child. Perhaps this abortion would prevent her from having children in the future. Before her turn came on the operating table that day, she left. She did face here family and her boyfriend and they were wonderfully supportive. She overcame the embarrassment and the humiliation of the untimely pregnancy and had a normal healthy child. This story has a happy ending.

My point is, if this 17 year old girl chose not to face her family and her friends and found someone to perform an illegal abortion 15 years ago in this state, you can bet there will be available abortionists today and many with no medical training. I hope my daughter feels she could come to me should there ever be such a crisis in her life. I would also understand if she didn't. But I would feel much safer knowing she received the appropriate medical attention and not 30 minutes in a backroom at the hands of someone performing an illegal task.

If we pass this legislation today, we are providing no alternative to many, many young woman. For this reason, I ask for indefinite postponement of this bill and all accompanying papers.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Kane.

Representative KANE: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I just wanted to point out to anybody in case my long remarks may have confused things is that out of 13 members of the committee, Democrat and Republican, Senator and Representative, there was not one member who signed this bill ought not to pass. There was no one who felt that this problem that exists in Maine now, as the result of a series of decisions more than anything else, isn't something that ought to be remedied, the difference was on the remedy. Not one person saw fit to try to kill the bill in committee.

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

Representative BOUTILIER: Mr. Speaker, Ladies and Gentlemen of the House: Pose a question through the Chair if I may? If we vote against the motion to indefinitely postpone and that motion to indefinitely postpone fails, is Committee Amendment "C" the one that will be adopted?

The SPEAKER: The Chair would answer that that is impossible for the Chair to respond to since he doesn't know how legislators will be voting. That will be in the possession of the members here. They may choose House Report "C", "B" or "A" but the pending vote, if the motion to indefinitely postpone does not prevail, will be taken on the motion of the Representative from South Portland, Representative Kane, on House Amendment "C" first.

The Chair recognizes the Representative from Windham, Representative Cooper.

Representative COOPER: Mr. Speaker, Ladies and Gentlemen of the House: I just want to encourage you to vote against the motion to indefinitely postpone Committee Amendment "C." I believe if you do vote to kill this amendment, it will also wipe out all of the parental consent bills. I hope that you will vote against this amendment so you can hear the other bills. I also hope you will vote against the committee amendment itself but, at this point, please vote against the motion for indefinite postponement.

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

Representative STEVENS: Mr. Speaker, Men

and Women of the House: I stand to support Representative Cahill's motion to indefinitely postpone this bill and all its accompanying papers. Of all the bills that have come before the Maine House in my three years here, this bill has the greatest potential to hurt the constituents that are nearest to me, my three daughters. I stand as a parent, the mother of three daughters, and I do not wish to have the Maine House mandate what these three girls have to tell me if they should ever be in some of this real serious troublesome times that any young woman can have.

Certainly these bills have the power, the potential to protect young women in the State of Maine. No one denies that. No one denies the intention the sponsors of the bill and the supporters of the bill to protect the young women in the State of Maine. I firmly believe from my perspective as a mother and from knowing so many girls in this age bracket, that it has a greater potential for harm.

All of us know the potential to harm a child from the disruptive violent family. Everyone knows that potential to harm that child who has to tell the parent. My concern is, of course, with them but it is also with the middle class, high achieving, high standard families that all of us know perhaps better than the other families. How about that youngster who doesn't want to disappoint that family? Who is afraid to go to the judge, the man in black, the authority figure, the master, any of the above? The risk is just as great for those children. What courses of action are open to those children, when they are faced with the possibility of that unwanted pregnancy, to tell their parents, to disappoint their parents?

From my perspective, I know three different kinds of children, as all of you do who have children of your own. I have the dutiful, obedient, responsible child. I also have a young rebel who lives in my house, who defies all authority. If she thought that these were her choices, I worry and fear that her choice would be out the window, down the road or to the alley. I resent, from a personal point of view, that the Maine Legislature should grow so old or so wise that they have lost the ability to empathize with the young women of this state. This is a parental rights bill and I am interested in the rights of young women of the State of Maine, primarily. I am interested in the young women from Aroostook County, who can't take a weekend trip or two hour bus trip to New Hampshire, who has a ten hour bus trip and no money in order to avoid the process of seeing the judge or telling her parents. How about that poor woman?

Now, my children are in a blessed position, they have the resources and the ability to go to New Hampshire without telling me. I am lucky and they are lucky. But I fear for those who aren't so lucky. How about those young women?

I ask you, before you push the button, just for once if you can, make that quantum leap out of mature, responsible minds into the heart and soul of a young girl, of a young woman, what is best for her? Does she want to have her choices narrowed at this most stressful of all times in her life? I don't think she does.

In the 12 years that Maine has had abortions, there has never been one judgment against any doctor, no liability found for performing an abortion. Do we need this law? Is it going to help the young woman or is it going to make some parent feel better or feel more in control? Don't we all hope and fervently pray that our children come to us with their problems? I do. I hope that more than anything else. But I can't believe that passing this law is going to guarantee me that. I think the potential for harm is so great that I really hope you support the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, Men and Women of the House: With all due respect to those who urge indefinite postponement, I think it is absolutely premature at this point that we vote to indefinitely postpone this bill and all its papers. We have not had the debate on Report "A"; we have not had the debate on Report "B." In all deference to the signers of Report "A" and Report "B", we will be getting up and explaining our positions to you in due time.

I ask you to vote against the motion this evening so we can go on with the sensible and rational explanation of why we signed the reports that we did, why we agonized over the decisions that we made and why we have an obligation to present it to you.

The SPEAKER: The Chair will order a vote. The pending question is the motion of Representative Cahill of Woolwich that the bill and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

44 having voted in the affirmative and 68 in the negative, the motion to indefinitely postpone did not prevail.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I think now it is in order to ask you to vote against the acceptance of Report "C." The distinguished Chairman of the Judiciary Committee has presented his report to you.

I am a signer of Committee Amendment "B." In the Committee, it is known as the Carrier Report, after the gentlemen from Westbrook as the former Representative from Portland, used to say, Mr. J. Robert Carrier. It is not often that he and I sign the same reports out together as you know from this session. But tonight I stand before you in agreement with him, with the Representative from Presque Isle, Representative MacBride, the Representative from Bangor, Representative Lebowitz, the Representative from Belfast, Representative Drinkwater.

The reason that we are signing Report "B" is because it is the only parental consent bill before you tonight. The other bills are not really parental consent bills.

I cosponsored L.D. 1113 on the Maine Right to Life Committee and that bill was modeled on the Missouri statute that was upheld by the United States Supreme Court in 1983. It is the only bill before you tonight that is completely constitutional. It does not raise any constitutional questions regarding abortion and parental consent.

If you accept Report "A", you are accepting a bill that is clearly and I cannot stress that you enough, clearly unconstitutional.

If you accept Report "C", you are inviting a question before the Supreme Court, which at best for the scholars of this state and the Attorney General, can only guess that it might be constitutional.

If we entertain Report "A" or Report "C", we might just as well do what the YMCA Youth Legislature has done every year and pass fictional laws. They will never be implemented. It will never take effect. It will be enjoyed by one of the groups and it will wait three or four years in the U.S. District Court in Maine and will be found unconstitutional according to the Supreme Court decisions that have been handed down since *Row versus Wade* in 1973.

I would not sign those bill for a number of reasons. I would like to state some of them to you tonight. The people of Maine overwhelmingly support the idea that a minor girl's parents should give their consent before anyone performs an abortion on her.

In a poll conducted last July, 78 percent favored such a law. Clearly, the citizens of Maine recognized the need for a girl's parents

to be involved in such a critical decision and before she undergoes a major invasive surgical procedure. In fact, our laws in Maine, generally require the informed consent of any minor's parents to every medical or surgical procedure to be performed on that minor. But they do not clearly require such consent in the case of abortions.

A 1979 law relating to parental involvement was held unconstitutional by the Federal Court in Portland. But since that time, the United States Supreme Court has made it clear that laws requiring parental consent are proper and constitutional if certain safeguards are built in to allow a minor to consent herself if she is independent and no longer living at home, or if the court finds that she does not need to obtain her parents consent. The way is now clearly open for a constitutional parental consent law to be enacted. That is Report "B." L.D. 387 gives the legislature the opportunity to fill a gap in present Maine Law by clearly requiring parental consent to minors' abortions with certain limited exceptions.

This is what the people of Maine want the legislature to do. Report "B" has been carefully drafted and revised to meet all constitutional and legal standards required in a parental consent law. Now is the time to take action.

According to state figures in 1983 alone, 393 abortions were performed in Maine on minors with no assurance that the parents were involved or even informed of those abortions. In fact, 84 of those abortions were performed on girls age 15 and under. Alternative versions of the parental consent bill have been proposed but their thrust is to avoid parental consent rather than require it.

Report "A" lowers the age of consent from 17 to 15 and adds a special master procedure to the court procedure to bypass parental consent. This version also requires counseling procedure for girls age 16 and 17. We know from the Supreme Court decision that counseling has been ruled unconstitutional.

The other version, Report "C", does not include the counseling requirement but lowers the age of consent from 17 to 16 and includes a special master procedure as has been outlined by the Representative from South Portland.

Legislators should vote for L.D. 387, Report "B" and not for either of the other versions for the following reasons: neither the "A" version nor the "C" version is really a parental consent bill for minors' abortions. They are only watered down versions of what Maine people think to be necessary.

Reducing the age below 17 reduces the coverage of the law missing many of the cases it should address. Might I add, ladies and gentlemen of the House, that only 20 percent of the abortions performed would be covered under Report "A", the Cooper Amendment. Approximately 50 percent of the abortions performed in Maine would be covered under Report "C", the Kane Amendment.

Our bill, Report "B", covers all abortions performed on minors, approximately 400 of them in this state. The age change discriminated between some pregnant minors and others without any rational reason to do so. Are 16 year olds that much more mature than 15 year olds? Are 17 year olds that much more mature than 16 year olds? This change might give a court one more reason to strike down the law. The age changes fly in the face of the general legal rules of informed consent and also contradict efforts made by the legislature to protect minors and even young adults such as our laws regarding legal drinking age and drunk driving.

The counseling requirement of the Cooper Bill, most legal experts agree is unconstitutional. The special master procedures is also likely to make the law unconstitutional. No court has ever approved of such a procedure and the evidence from Massachusetts and other states with parental consent bill is that

a court procedure works adequately. We know that such a procedure passes constitutional muster. Why should we in Maine experiment with some new procedure that may be unnecessary and may jeopardize the laws we enact?

The people of Maine overwhelmingly support parental consent to minor's abortions. We have in Report "B" a carefully crafted law that will clearly establish such a requirement in a way that the courts will uphold constitutionally, if challenged. The only effective alternative proposal will be to gut the parental consent statute and assure its defeat in court. I believe the only responsible and effective version of parental consent is Report "B." If we pass any other version, I can practically assure you tonight, ladies and gentlemen of the House, that it will never take effect, that it will not prevent one abortion and it will not cause one child of 15 or 16 or 17 to go to her parents to seek consent or to a court. If you believe in parental consent, I urge you to vote against Report "C" and to adopt Report "B."

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Cooper.

Representative COOPER: Mr. Speake, Ladies and Gentlemen of the House: We have heard a lot of talk tonight about parental consent. The fact of the matter is, none of these bills require parental consent. It is unconstitutional to require parental consent. It has been struck down every time it has been tried. That is why all of the reports require a bypass.

In the case of Report "B" it is a judicial bypass and the other two reports there is a master bypass or no bypass required. It is a bit confusing because you have a rainbow of paper before you, eight or ten sheets I guess, with an incredible amount of misinformation in it. I can't take your time tonight at ten minutes after seven to try and dispute all of those but clearly if you have any question about the material that has been handed out, please feel free to ask questions.

I also had one handed out but it is a little black and white thing that was printed at my own expense so you probably can't even find it amongst all that stuff.

It has been confusing to our constituents also. There is a weekly bulletin that is put out by one of the lobbying groups here and a few weeks ago they had an article about parental consent, not the one that talked about the Cooper amendment, it was a week or two before that, in which they gave a stirring image of parental consent and what it would do in a loving family and how they would nurture and take care of the teenager who has an unwanted pregnancy. That went out also to all of their constituents, all of their flock, as it were. I received a lot of letters after that as I am sure all of you did. The only catch is, they never once mentioned that you can go to a judge and get your abortion without the parent ever knowing about it.

The Majority Report is one of that stresses compassion, I think, for the teenager that finds herself with an unwanted pregnancy. That is why we included counseling, done by a professional counselor, somebody who is trained and skilled in that area. The masters program is not something new and unique, it is used more often in federal courts than state court but it is not something we created out of whole cloth. We have tried to take great care to make sure that it is constitutional to the point that we solicited three legal opinions, none of which have clearly said it was unconstitutional. They all indicated that, in fact, there may well be no legitimate problem with it.

The amendment, under Report "A", requires the master procedure for those that are under the age of 16. They would simply go to the court and they would be scheduled by the Clerk of Courts with the master within three days to get the counseling necessary. The

master would then file a written report with the court within two days and it should be a quick and easy way of dealing with the problem.

The counseling that we have put in there, we have mandated in statute that it be given objectively. We don't want any counselor trying to convince a teenager that she should have an abortion or should not have an abortion, but rather that they should give her all the information that she needs, letting her know that she can withdraw — the counseling incidentally, would apply to all of those minors letting them know that they can withdraw a decision to have or not to have an abortion at any time within the time frames that are legal, that they can discuss all the alternative choices of the pregnancy. I asked that agencies be included that offer birth control counseling, which I was laughed at a little bit by a few people, as closing the door after the horse is out. However, there is a high percentage of people who get pregnant again after having their first. So, it seemed natural and logical that we ask that they be informed of birth control methods if they so desired.

We also stipulated that we wanted the counselor to discuss with the minor the possibility of involving the parent in the procedure because we feel that is very important. Although you cannot mandate it, we could at least ask that the counselors be encouraging to those minors who wish to discuss this with their parents. And of course, giving them the opportunity to ask any questions that they might have.

The master for those under the age of 16 then would have to make a determination of whether the minor was mature enough to make this decision on her own or whether or not it was in her best interest. Those are the same two things that apply to Reports "A" and "B".

In a case of those that are 16 and 17, we felt that we should require them to get counseling the same counseling before they could get an abortion, again, encouraging them or at least exploring the possibilities of involving the parent in this process.

I hope I have explained why we chose a master instead of a judge. We just feel it is much more compassionate and much more effective. But aside from that, the judicial bypass doesn't work in Massachusetts as has been cited as the example of where this program is in place is a good example of why it doesn't work. In Massachusetts, between April of 1981 and August of 1984, 1,900 minors sought bypass approval from the judge. Of those 1,900 minors, only ten petitions were denied, and nine of those on appeal were approved, the one remaining left and went out of state before the appeal process could take place. The other aspect of that is that there are more teenagers going out of state to get an abortion than are going to the judge for bypass. Almost twice as many go out of state to get abortions as bother to go to the judge for a bypass procedure, simply because it is a very traumatic state, it is an additional step, it is a cost, so they go out of state and get their abortions. When they come home, there is no doctor that is familiar with what has taken place. If they do need follow up care, they are either going to have to try and go out of state again or seek a new doctor who is not familiar with what is taking place.

In Massachusetts, judges rarely spend more than 15 minutes with a minor and they have no guidelines that they are supposed to follow as they do in this bill. They are simply supposed to do two things, determine whether the minor is mature enough, or whether the abortion would be in her best interest. Under our bill, we feel that the counseling would at least inform the minor of all of the options available and the other things that we have listed.

I would also point out that we are dealing with teenagers who are at a very vulnerable

stage. Pregnant teenagers are seven times more likely to commit suicide than other teens. Requiring them to go before a judge in his black robe in the courthouse, where criminals go, would be devastating to a minor.

I would ask that you keep these factors in mind, think of the young girl who is pregnant, who is seeking help and who feels her only choice is to go to a judge because she is afraid to go to her family. Think of what it would mean to her to go to a psychiatrist or a psychologist or a social welfare worker who could help her, who could understand her problems and give her counseling or referral at least if she is in such an emotional state that she is going to need further counseling.

I hope you will defeat both Amendments "B" and "C" and support the Majority Report Committee "A".

The SPEAKER: The Chair recognizes the Representative from Washington, Representative Allen.

Representative ALLEN: Mr. Speaker, Men and Women of the House: I would urge you to vote against Report "C" so that we can adopt the Majority Report of the committee, which is Report "A".

My good friend from South Portland has stated that the committee agonized over this issue. To say we agonized, in my opinion, is a major understatement of what our committee has been through for the past three months. I mean all 13 of us, regardless of which report we are on. All three of us asked ourselves the very same questions that are now running through your mind and through your hearts. I empathize frankly with you having to face this issue, not only at this time of night, but having to make a decision in so short a time. Unfortunately, not all of the information that has been given out, either verbally or in writing, has been totally and completely accurate.

I have had a difficult time with this issue personally because I see it from various perspectives. For the years prior to my service here in the House, I was a teacher and I taught kids in Jr. High and High School, and worked for eight years with kids between the ages of 12 and 18. I saw this issue also as a woman having dealt with my own pregnancy. Fortunately, it was wanted and fortunately, we were all happy with the results. But I also dealt with this issue as a mother, as a mother of a child who is only nine, and unlike the Representative from Bangor, I have been unable as of yet to determine just how rebellious she may or may not be. She indicates a certain amount of assertiveness but I am encouraged by that.

I had to place myself in the position that I felt most comfortable with and that is as the mother of my daughter and I asked myself throughout the debate, when we were listening to all of the reasons why an ought not to pass report ought to be signed out of committee, they pointed out to us that although many teenagers become pregnant, not all of those teenagers opt for abortion and of those teenagers that opt for abortion, a minority do so without parental involvement.

We heard all of the arguments as to why we simply ought to kill this bill in committee. Then on the other hand, we heard all the arguments as to why this bill was so important from the parents perspective. So, I began to examine the entire issue from that perspective, from my perspective as a mother, of a daughter not yet a teenager, but who soon will be and who will face the trauma of being a teenager and hopefully, not of being a pregnant teenager. But I asked myself, what would happen to my daughter should I not be there for her, for whatever reasons? If my daughter had to face the law that I was going to enact, which law could I, in good faith, feeling good about what I had done, vote for. I opted for Report "A". It was presented to the committee by Representative Cooper. My reasons for opting for that

was that I felt it was imperative that a young girl, who finds herself pregnant, be able to talk to someone about that pregnancy. I mean someone other than her 16 year old friend. And if that young girl who falls through the cracks and is not able to go the her family for whatever reason, be it the worst circumstances in the case of incest or be it in a circumstance where she fears physical repercussions on behalf of her parents, what would be the best system for this daughter, this girl to have to go through? I thought it was imperative that she have someone to talk to and this bill provides for a counseling bypass. If my daughter is 16 or 17 years old, she has to go to a counselor who is licensed by this state. We have laid out quite clearly in the bill the things that need to be discussed including the option of going to a parent or guardian and, in some cases the state may be the guardian if the state has stepped in and removed a child from a home, that was one option.

Yet I recognized having taught Jr. High that there is an incredible difference between Jr. High kids and high school kids in level of maturity. As a matter of fact, I was amazed, frankly, as a Jr. High teacher to find out how young, young women mature. But I recognize the fact that there is a difference and that we could establish a differential in age. So, I opted to go along with the idea that, if you are under 15 years of age and under, you would go through a judicial procedure that I felt was compassionate. I could not, in my farthest imagination, imagine my daughter standing before a judge in a courtroom and laying out to him all of her intimate thoughts, confusion, fears, etc., etc., etc.

I opted for Report "A" because I felt that it did what we were hoping to do, encourage parental involvement in this decision making process and yet allow for a compassionate decision. Hopefully, having once entered that counselor's office that she would continue that correspondence, that communication that she has developed with some adult.

It would be my dearest wish that all young women, who found themselves pregnant, could go to their parents. You know and I know that not all parents are loving, warm, compassionate and understanding. I can assure you that if my daughter came home and announced that she were pregnant, I would be quite disturbed. I certainly would not condone that by any stretch of the imagination, but I believe firmly I could deal with that.

There are parents here in the State of Maine that cannot deal with that, not only can they not deal with that, we have thousands of cases a year of parents who physically and sexually abuse their children, as of right now.

Before I end, I would like to make one point perfectly clear. A couple of my comrades have attempted to do that. None of these bills mandate parental consent. Not one of the reports mandates parental consent. We can't do that. But what each of the bills says is that, if you don't have parental consent, there is a judicial bypass available. Each of the three bill offers that teenage pregnant girl an opportunity to bypass her parents. In section three of each amendment, you will read verbatim, each bill says the same thing, "parental or court consent" required prior to performing an abortion on a minor. Each and every report says parental or court.

It is not true that only one report offers you parental consent, they all say parental consent or a court bypass.

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

Representative PRIEST: Mr. Speaker, Men and Women of the House: I would like to comment briefly on some of the discussions especially concerning constitutionality. As you know I am a signer of the Cooper Amendment, the Majority Amendment, Report "A". I want

to repeat again what you have already been told. This is not a parental consent bill. It is unconstitutional as defined in the Belotti case to require parental consent in every single situation. You simply cannot do it.

I would like to cite to you Justice Powell's words on this precise issue in the Belotti Case. He said, "Every minor must have the opportunity, if she so desires, to go directly to a court without first consulting or notifying her parents. If she satisfies the court, if she is mature and well informed enough to make intelligently the abortion decision on her own, the court must authorize her to act without parental consultation or consent. If she fails to satisfy the court that she is competent to make this decision independently, she must be permitted to show that an abortion nevertheless would be in her best interest. If the court is persuaded that it is, the court must authorize the abortion." That is the current state of the law as much as anyone can tell it. So, we are not dealing with parental consent. We are dealing with judicial bypass and what form of judicial bypass is most appropriate.

Now I am also going to tell you something which I think by now most of you already know, that this is an area which is extremely unsettled. Even now, the United States Supreme Court has taken up before it two more cases concerning abortion. This was just recently done. One of the cases, interestingly enough, involves a counseling situation very close to the Acquin Case in which counseling was found unconstitutional because it was found counseling tried to discourage abortion. It is interesting to see what the players on both sides of this issue think about the court taking these same type of cases up now.

I would like to cite to you briefly from a Washington Post article. "It is puzzling to try and figure out why the court took the cases," says Nandy Hunter, a staff lawyer with the American Civil Liberties Union, which is involved with both cases. It is very disturbing because the cases ought to be governed by principles established in the Acquin Case two years ago. "It is puzzling to us too, frankly," says James Bott, Jr., General Council of the National Right to Life Committee. It is not obvious what is going on.

I would also like to indicate to you that there is no bill, no report, there is no statute, you can enact in this House and in this Legislature which will guarantee constitutionality. Missouri and Massachusetts, which have passed a bill, which are part of Report "B", have been involved in a long series of constitutional litigation which is still ongoing.

I would also like to indicate to you that the Ashcroft decision, a decision which the Representative from Augusta, Representative Paradis relies on as the basis for constitutionality, has been a decision decided in the abstract. There has not been a real live minor before the court in the Ashcroft situation for the court to decide how it is going to vote.

What am I telling you outside of the fact that the area is very confused — what I am telling you is that you should look to the experience, it seems to me, of other states and try to decide on good public policy within the broad limitations that we can find as to constitutionality. But we should not place too much faith in any one statute.

It is my position that the Massachusetts Law, which is the law forming Representative Paradis report, goes too far. It requires judicial intervention in almost every case and this is useless. They are all granted, it is a waste of judicial resources, the judges hate it, it is extremely frightening to minors.

Let me make one other statement about counseling, which we like. I would cite to you the letter dated June 7, 1985 from the Attorney General to Representative Kane. The issue was, as the Cooper compromise constitution? The last sentence of paragraph two

states that, "It is my view that all of the provisions of the bill are likely to survive constitutional scrutiny." Now, is it possible to guarantee that they will survive constitutional scrutiny? The law is simply too unsettled to do that. Are we going to be involved in litigation no matter what passes? Of course, we are. That law will be attacked, no matter what we do instantaneously, in the courts and don't think that it won't be because it will be.

What you have to do, I think, and what I would recommend you do, if you like this concept, is to go with the most moderate, the most measured, the most reasonable report. That is the Cooper Compromise, Report 'A'.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative MacBride.

Representative MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: This is the first time that many of you will have voted on an abortion issue in the legislature for we have not voted on one since the session in the 109th Legislature. That was my first term. I found the decision a most difficult one at that time and I find it a most difficult one today.

As you have been told, our committee has spent many long hours trying to decide just what to do about that unemancipated minor girl. We studied the whole issue of parental consent and the alternatives very carefully. I think it was amazing to note that no one signed an "Ought Not to Pass" Report. Everyone was able to accept one of the three reports, all of which, as you have heard, require either parental consent or an alternative with various ages involved.

I had a very open mind when we heard the bill, knowing only that I wanted to accept some form of a parental consent bill. Teenage pregnancy is a very real problem in Maine and seems to be increasing. Possibly, just possibly, one of these bills could serve as a deterrent for getting pregnant. If a girl has to face her parents or a court alternative to have an abortion, perhaps she will give a little more thought to pregnancy.

I finally signed the original bill as the committee amended it requiring parental consent for an abortion under age 18 or petitioning the court in a completely confidential hearing.

If my daughter was this age and had to resolve a pregnancy, I would like to be with her through this traumatic decision. If it were determined she would have the abortion, I would like to be there in case she had a physical complication or emotional problems. If she decided to carry her baby to full term, I would like to be there to help her through that difficult time too.

I feel a minor really needs a parents support whenever possible, particularly with a decision as important as this one. She has to have parental consent for most school functions and for most medical procedures, not by statute but by rule and regulation. Why then should she not have parental consent for something as serious as an abortion?

If there were reasons why I should not be consulted about a daughters pregnancy for her own good, then she would have the court alternative. Having selected one of the alternatives, she then would be better prepared, I feel, to make her own decision.

The early and middle teen years are difficult ones with young people faced with may uncertainties and decisions. Consequently, I feel those unemancipated minors, 17 years or younger, do need parental concern and should follow this procedure for resolving a pregnancy.

This bill has been constitutionally tested and it was upheld by the U.S. Supreme Court. I think any of these bills probably will continue to be challenged, however.

Ladies and Gentlemen I have struggled with my decision for a month. This is a very personal choice and I hope you will give careful consideration to your decision.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Carrier.

Representative CARRIER: Mr. Speaker and Members of the House: In concern for all the people involved in their personal feelings and their personal experiences, I would suggest to you and ask you to vote against the acceptance of Report "C" so we can truly discuss the other reports, which at this time I think is the issue on "C. There has been a lot of information given out but I don't want to expand at this time. I just hope that you vote against the pending motion and vote not to accept Report "C".

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

Representative LEBOWITZ: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to belabor this point because you have listened very patiently and I am sure that you have absorbed everything that everyone has told you about the agony that we have been through and you now have those same agonies.

I would just like to point out to you the differences in these bills that have not been pointed out at this time.

Report "C" has an age of 17 years. Report "A" has an age of 16 years and Report "B" has an age of 18 years. This might be something that you would all like to consider in your deliberations.

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

Representative POULIOT: Mr. Speaker, Ladies and Gentlemen of the House: I feel that I am very privileged to have an opportunity to speak to you today because many of you know that I am an adoptive parent and that I am privileged to say that I have a young daughter, who today is 13 years old. Listening to this debate today, I happen to think that the mother of my daughter just happened to turn 15 years old at the time. I don't know what made her give this child up for adoption but just maybe, she had the courage to go talk to mom and dad. Just maybe they encouraged her to go to an adoption agency. I often think of this young girl who decided to give this child up for adoption because she made two people happy. I think she, too, must think of this moment that she went through in her life. But I think, for me, the one consolation this young girl has today is that she gave life and did not destroy it. For that reason, she made two people extremely happy, my wife and I. I can't tell you the happy moments when I look at my daughter. She knows she is adopted, she knows of the heritage that she is of, and I know that I am not able to speak to you on the legal aspects of it because I did not follow the bill through. But I just hope that the reason that I am a father today is that just maybe that young girl of 15 years old took the time to talk to mom and dad.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Kane.

Representative KANE: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I think Representative Allen is 100 percent right. All three reports ought to be called "An Act to Encourage Parental Consent" because that is what each one does. The question now is whether or not the present law discourages the involvement of the parents in this situation. I will give you two bits of information from the hearing and the many letters we had — there is a doctor in Penobscot County, who performs a lot of abortions on adolescents. I think that he is a very conscientious man and a very honest man and what he said was, virtually all of the adolescents under 18, in his practice, the parents were eventually involved before the abortion. Maybe not when the young woman first came to him but before the abortion.

On the other hand, in Cumberland County, there is a facility that does abortions and a woman from that facility wrote to me and I still have the letter, said that up to 42 percent of all adolescent clients eventually involved their parents. It seems that it is probably likely that some people try harder than other people. The current law discourages, this law will encourage.

Let me try to explain where we are on the three reports — Representative Priest talking about Report A, the Majority Report, — the difference between "C" which we are going to vote on right now and the Majority Report, the differences are two: that age is 15 and under; Report C is 16 and under. The other very, very serious question is whether or not, after all this, we are going to send something out of here of really dubious constitutional status. I think that the counseling requirements that the Supreme Court has viewed with such hostility in the past, that resemble the counseling requirements in that bill, are enough to make the few experts that we consult, question that provision. Representative Priest read you the sentence from the opinion: "it is my view that all of the provisions under the bill are likely to survive constitutional scrutiny." A more important sentence is on the following page: "if the committee were interested in removing all doubt whatever, it would do so by removing the mandatory counseling provisions from the bill completely. "Report C and Report A differ in those two regards.

The other report, which Representative Paradis spoke of, is the most sweeping and the most drastic. It is, I think, of unquestionable constitutionality. It involves everyone under 18 and anyone who doesn't talk to his or her parents or legal guardian goes before a judge. It is unquestionably the most drastic.

Representative Priest said that there is nothing that we can pass here that is an absolute sure bet — well, that is true but there are close to sure bets and I would say Representative Paradis' bill, Report B, is that. Then there are really, really long odds. I think the Majority Report, Report A, because of that counseling provision, is very, very chancy. Not because of my own wisdom but because of the responses from the experts that we consulted, I think that Report C is almost unquestionably constitutional.

Representative Jalbert of Lisbon 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 more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question before the House is the motion of Representative Kane of South Portland that the House accept Report C. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 188

YEAS:—Boutillier, Cashman, Kane, Lisnik, Macomber, Manning, Mitchell, Murray, Nadeau, G.G.; Nadeau, G.R..

NAYS:—Aliberti, Allen, Armstrong, Baker, A.L.; Baker, H.R.; Beaulieu, Begley, Bell, Bonney, Bost, Bott, Bragg, Brannigan, Brodeur, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carrier, Carroll, Carter, Chonko, Clark, Coles, Connors, Connolly, Cooper, Cote, Crouse, Crowley, Davis, Dellert, Descoteaux, Diamond, Dillenback, Drinkwater, Duffy, Erwin, Farnum, Foss, Foster, Greenlaw, Gwadodsky, Hale, Handy, Harper, Hayden, Hepburn, Hitchborn, Hickey, Higgins, H.C.; Higgins, L.M.; Hillock, Hoglund, Holloway, Ingraham, Jackson, Jacques, Jalbert, Joseph, Kimball, Lacroix, Lander, Law, Lawrence, Lebowitz, Lord, Mac-

Bride, Martin, H.C.; Masterman, Matthews, Mayo, McColister, McGowan, McHenry, McPherson, McSweeney, Melendy, Michael, Michaud, Mills, Moholland, Murphy, E.M.; Murphy, T.W.; Nelson, Nicholson, Nickerson, O'Gara, Paradis, E.J.; Paradis, P.E.; Parent, Perry, Pines, Pouliot, Priest, Racine, Randall, Rice, Rioux, Roberts, Rolde, Rotondi, Ruhlin, Rydell, Salsbury, Scarpino, Seavey, Sherburne, Simpson, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stetson, Stevens, A.G.; Stevens, P.; Stevenson, Strout, Swazey, Tamaro, Tardy, Taylor, Telow, Theriault, Vose, Walker, Warren, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton, The Speaker.

ABSENT:—Daggett, Dexter, Paul, Reeves, Richard, Ridley, Small.

10 having voted in the affirmative and 124 in the negative with 7 being absent, the motion did not prevail.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Carrier.

Representative CARRIER: Mr. Speaker, I now move the acceptance of Report B.

Mr. Speaker, Ladies and Gentlemen of the House: I have held back on this debate because I think we got away from the actual issue. I want you to know, like others on the committee, that we might be divided on the Reports but our main idea is to find something that is needed but it might just be in the difference of approach.

Myself and four other members of the committee signed Report B. I truly believe that this is the real parental consent bill before this House. When parents have to give their written consent for their child to have their ears pierced or to go on a camping trip and many other things, I think there is nothing more serious than the health of a young girl who finds herself pregnant. I find that the committee report that we have, contrary to what other people said, that this is a parental consent bill. If you are interested, just look on the first page, under Section 2, Line 34 and keep going on the first paragraph which says: "that the attending physician has secured the informed, written consent of the minor and one of the parent or guardian." If that doesn't involve the parent and it is not parental consent, why would the parent be in there?

Let me explain to you briefly some of the things that have been said, different viewpoints, which I will try to correct. Let me explain to you a little bit what Report B does. If the girl finds herself pregnant and she is willing to talk with her father and mother or whatever, they agree on an abortion, then they don't even have to go to court. They don't have to see a judge. This is perfectly written and legal so it isn't mandatory that the girl will end up in court and be afraid and everything. Usually there are two reasons that she might want to go to court if her parents refuse or won't even talk to her or refuse to give their consent to the abortion, then there is an alternative of her applying to the court to get an abortion. It is not as easy as was said here for her to get an abortion once she gets in front of a judge. They talk about black robes and constitutional problems and everything — what are we here in a mortuary place talking about black robes, what is wrong with anybody wearing black?

One of the reasons is that she will have to have real good evidence that she needs the abortion for her own welfare. Let's say that her parents are abusers — I don't like that because the parents have been pictured too much in this legislature and others as the villain and all they do is provide. But if she has been abused by her parents, she can go to the judge and, in his mind, an abortion would solve her problem, he could then give her the go ahead on an abortion. If she cannot satisfy the judge, he will not issue a consent for her to have an abortion. It is as simple as that.

If you want to take care of these children, and most of us have had children, perhaps they are grown now, or perhaps they are in the stage where you are going to be faced with these problems and I hope you aren't because we don't deserve this kind of headache — the thing is, ladies and gentlemen, this particular bill that we promote does not give counseling. Let's not fool around with counseling. To remind you of how things were regarding counseling, recently this House voted a bill which provides counseling along that line. We had a bill in here for the funding of abortions and wisely the committee that the bill went to made it an advisory counseling service for all these children that might be in trouble and that is good. That was really a good point. I was in favor of that.

We have to differentiate between the immaturity of the young girl and the wisdom of the parents. We don't talk about super parents, we just talk about parents that care for their children, that care to guide them, even if they do something wrong, they reaccept them into the house and this is what this bill is about. If you go the other way, the other amendment, which forces the kids into en masses and everything else, that will not accomplish the purpose that it should. If the pregnant girl has a child or is pregnant, the parents should be there to take her back or at least help her. I can almost assure you from experience in others that no matter whether it is pregnancy or other things, the parents, as a rule, are always there to help both mentally and physically and financially. So, this is roughly what this bill is all about.

I had a lot of nice things listed here but it is a pretty emotional subject. Some people said that there were physicians at the hearing and they were in favor of this. Of course, they were in favor of this, some of them are making a fortune out of abortions. They have to live with that stuff.

There also was a petition from 51 physicians that were against this and were for parental consent. It doesn't go all one way.

I want to give credit where credit is due — this bill is a merger of L.D. 1113 and 387. 387 was my bill but if you want to read something interesting and something that might explain to you our purpose on B, I suggest to you that you take your bill, 1113, and read the Statement of Fact. The Statement of Fact hits you right at the heart because it explains the feeling between the pregnant daughter and her father and mother. The word "resent" is not the word I wish to say but to put some kind of a label on parents that make you look almost like villains, don't get pregnant, don't want them back. I don't know what my reaction would be, and maybe you don't know either, but let's just hope that those type of situations do not happen and that you are not put into that predicament. There are plenty of other things they do that can bring you just as much grief. Like I said before, we don't deserve that.

I hope you can support this bill. Under the Massachusetts law that they passed, they claim that it has reduced abortions by 51 percent so parental consent is not bad, it is a way to help the young people. You want them to come to you even if they do wrong. We have done things wrong at times and we were forgiven. We have survived and we learned from our mistakes and probably that has helped us to promote the decent things of life. I do hope that for the physical and well being of the young pregnant girl, I do hope that you vote for this bill. This will give them an opening if you vote for acceptance of Report B. This will give them a free opening to get consultation and get help that they need at that time.

At this point, Representative Michaud of Medway, assumed the Chair to act as Speaker pro tem.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Windham, Representative Cooper.

Representative COOPER: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to vote against Report B, which is presently before you. The good Representative from Westbrook, raises some important questions, I think, that we should look at. One is that the parents with good, open, relationships with their families are going to have those children come to them and seek their advice and their support when they reach a crisis like this, an unwanted pregnancy. We don't want to cast aspersions on all families by saying that they are all abusers or offenders of one sort or another but there are families out there where the relationships have broken down. Perhaps an indication of a worst case family is the fact that when we got our State of Maine, Department of Public Safety & Crime in 1984 reports, I looked through it and saw the 1,395 cases of assault reported by law enforcement agencies in Maine identified as occurring between household or family members. Now, those are assaults within a family. There are many, many families out there where communication is bad, where the relationship within the family is bad and I think we want to make sure that the minors in those circumstances are not forced into going before a judge when there is a better alternative.

I would remind you again that in Massachusetts, where this law is in effect, the judges have virtually approved every case that has come before them. The abortion rate in Massachusetts has gone some but the birthrate has remained the same because those minors are going out of state for their abortions.

The reason we have age 16 and 17 for counseling is because they are at an age where friends and boyfriends or girlfriends have licenses, have access to vehicles and are going to go get those abortions. Sixteen, incidentally, is considered an adult in some ways. You can get an adult hunting license and get a firearm and go into the woods at that age. Sexual exploitation of minors is defined as those under sixteen. In Title 17a, again, minors are defined as being under their sixteenth birthday.

There are all sort of medical procedures done, birth counseling, birth control devices, venereal disease, I believe drug abuse treatment, these are all done without parental consent.

Again, I would urge you to vote against Report B so we could accept Report A.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waldoboro, Representative Lord.

Representative LORD: Mr. Speaker, Ladies and Gentlemen of the House: This is the most controversial issue I think we have had for a long time. As a Representative for the first term, I have gotten more correspondence on this issue that we are speaking on tonight than anything else. It wasn't milk, it wasn't Workers' Compensation, it was the issue we are speaking on tonight.

I would like to read you part of a letter that I received from one of the parents. It said: "in reference to L.D. 1113, it is ironic that our minor daughter must have written consent to go on a class trip or to have her ears pierced but she can have an abortion without our consent. When you take this into consideration that this is what has happened and is happening through regulations probably at the school board level but some was done here at the legislature — it seems very strange to me that here is a decision that will affect these children all of their lives and yet, the parents will not have part of the say or at least talk with them." She goes on to state a little further in the letter: "lastly, the Supreme Court ruled on June 15, 1983 that the Missouri statute requiring that parental or court consent was constitutionally allowable, I think the amendment that we are discussing, Report B, is the nearest one I could get to that regulation or that ruling and I would urge you to pass Report B."

The SPEAKER PRO TEM: The Chair recognizes the Representative from Washington, Representative Allen.

Representative ALLEN: Mr. Speaker, Men and Women of the House: I would like to respond very briefly to the Representative from Waldoboro's concern — I can assure you that all of us got that same letter and many others as you did and in response to the assertion that you need parental consent for getting your ears pierced, which by the way I didn't have, there is absolutely no law on Maine books at this time that mandates parental consent for having your ears pierced or going on a class trip or such thing. I just wanted to make that perfectly clear.

I would urge you to vote against Report B so we accept Report A and I would respectfully ask for a roll call.

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

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

What is the cost of Report B? For that matter, what is the cost Report A since we suspended the rules by implication awhile back? At least I want to know what is the cost of Report B and A?

The SPEAKER PRO TEM: The Representative from Auburn, Representative Michael, has posed a question through the Chair to anyone why may respond if they so desire.

The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, Men and Women of the House: In answer to the good gentleman from Auburn, Report A, if you will look on Page 11 at the top of the page, it says \$4600, that is the fiscal note.

If you will look at Report B on Page 6, it is \$15,000 and \$31,000 and the reason for that, if I may explain very briefly, is that in making a fiscal note, you must take the worst possible scenario. Report B deals with all minors, 17 and younger that would go to a court. In Massachusetts, only 23 percent of the minor go to court; the other 77 percent do not go to court, i.e., they go to their parents so if all 400 abortions of 1983 that were performed in Maine and went to court, the impact for court appointed attorneys, not the impact on the court but court appointed attorneys, would conceivably be \$31,000 for a whole year. That is not realistically possible because not all of them would go to court.

In Report A, we are only talking about 84 abortions in 1983. The impact on the court would be easily absorbed and that is why it is only \$4600.

While I am on my feet, I hope that you will accept Report B, not only so we can get out of here tonight at a decent hour, but so that we can end this debate. I don't think anybody really wants to debate this things ad infinitum. You pretty well know where you are. I complement everyone, the Representatives' who have spoken so far for their decency and their candor. I hope, when we vote, we vote for Report B. I will be voting green.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Wells, Representative Wentworth.

Representative WENTWORTH: Mr. Speaker, Members of the House: If a child goes to the emergency room in a hospital for a throat culture for a sore throat, they have to have their parents permission before they will do it. I would ask you to vote for Report B and I move the previous question.

The SPEAKER PRO TEM: The pending question is "Shall the main question be put now?" This is debatable for not more than five minutes by any one member. Those in favor will vote yes; those opposed will vote no.

The Chair recognizes the Representative from Freeport, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that we would not stifle debate today. I don't think we serve the interest of the people of Maine when we come down here and we get so impatient that we can't talk to an issue. If a person doesn't want to sit in this House and listen, they can go out into the hall and sit there. I have never voted for this motion, I think that it is a terrible motion and I hope you will all defeat it right now.

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

Representative MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: I voted at least two or three times this session to cut off debate but have a policy of doing that if no one objects so the opportunity to cut off debate would be if no one stands up and objects, I certainly do not object, so if someone stands up and says they want to speak some more, then I will vote against the motion. That is my policy.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: Simply as a matter of courtesy, as a matter of policy and as a matter of precedent on an issue of this magnitude, I think it is discourteous at this stage of the game to put this question now. An issue that involves the kind of emotions that this issue involves ought to be discussed as thoroughly as possible. I hope you defeat this motion on the basis of principle.

At this point, Speaker Martin resumed the Chair.

The House was called to order by the Speaker.

The SPEAKER: The Chair recognizes the Representative from Cannan, Representative McGowan.

Representative MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: I think what we have just seen in the last few moments about moving the question, these microphones pop up, that if we have got 25 or 30 people to speak for five minutes on moving the question, then we probably will keep you in your seats for quite a long time. I, as a member of this Legislature, believe that we should never, never shut off debate in this House. I will never vote to move the question. I would hope that we would hear the message from the people who have spoke long and who have sat in their seats and heard the debate and those that have walked out and left the room. I understand you're troubled with this but I would hope we would never enforce or impose a gag rule on any member of this body. I would ask you to vote against moving the question.

The SPEAKER: The Chair will order a vote. The pending question before the House is moving the previous question. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 32 having voted in the affirmative and 81 in the negative, the main question was not put now.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, Men and Women of the House: You have seen distributed before you just a few minutes ago a fiscal, an old fiscal note, to L.D. 1113, an L.D. which is not presently before us. Committee Report "B" is before us. This fiscal note is abhorrent to me and the tactics that were used to bring this out to this floor, I have not seen for seven years as a member of this body. I think it is totally unbecoming of anyone to mislead the House in debate. I would ask you

to disregard this fiscal note. The only fiscal notes that are accurate are the ones that were attached to the report, all three of them. They are based on substance and reality, not on hearsay. I hope you will disregard it in the best traditions of this House.

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

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

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

Representative RYDELL: Mr. Speaker, Men and Women of the House: I will ask you to bear with me a few more moments while we discuss this issue. I will then ask you to vote against Report "B". I would like to share with you my very personal reasons. A number of years ago, I worked as a counselor advocate, teacher and friend for young women, ages 12 to 19, who were pregnant and faced with a very grave decision. They needed someone outside their family to talk with, to share their concerns, to cry with, someone who would cry with them. They asked, above all else, at our very first meeting, each one, one after the other, and these were girls who had not chosen to share this with their family for whatever reasons and some of them came from families that have been loving, concerned, considerate and helpful and some of them came from families which probably would have asked them to leave the home, may have beaten them or may have done some other harm to them and would have been very, very angry, upset and perhaps irrational, but these girls, one after the other, asked me, if I were going to talk to them about telling their parents. Because if you are they said, I will walk out right now. I will not continue with your program. I have made that decision, I cannot tell my father, my mother, my guardian or some other relative who is responsible for them. You can't make me and I won't, I will find some other way. When I assured them that that was not my intent, I was not hired for that purpose, we went on to discuss the real issue at hand.

That experience over a period of time made me examine my own conscience and made me try to put myself in their shoes. What would I have done had I been a young girl faced with that decision? I came from a family, a single parent, my father died when I was very young, and my mother raised her children alone. She was a loving, wonderful mother, she would have supported me and she would have supported her other daughter. But I knew then, as I know now, that I would not have told her until afterwards. I am sure I would have told her in the end, but not until I had made my decision and gone through with whatever that decision had implied. The reason I wouldn't have told her is because I couldn't have taken the chance that she might have reacted differently, that she might have needed some of the strength that I needed for myself. I wouldn't have told her because I wouldn't have been able to bear the surprise, the hurt or whatever reaction she would have had. I needed to get on with my decision and I would have needed the compassion, support, the friendship, the loving arms of someone else, who would not have had that kind of emotional attachment to me as my parent had.

I know that all of you who are parents would wish that your child would come to you and you think in your heart that you would be able to give your child all your strength, all your support and all your help, but none of us know how we would react to our child in that situation. None of us can predict in a time of crisis

and a very emotional crisis how we will react.

I ask you to examine your consciences before you vote today. Examine them very, very carefully and try to put yourself in the position of your daughter or the daughter you may have some day or of some other young girl who is close to you. Think about the fact that she may not be able to tell her parent simply because she needs to do this on her own. She needs to find her own strength and she needs not to risk having to use some of that strength to help support her parents or bear the reaction of that parent because neither she nor you can predict what that reaction might be. I ask you to please reject Report "B" for the sake of all the young girls in this state.

The SPEAKER: The pending question before the House is the motion of Representative Carrier of Westbrook to accept Report "B".

The Chair recognizes the Representative from Van Buren, Representative Martin.

Representative MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I request permission to pair my vote with the Representative from Pittston, Representative Reeves. If she were here, she would be voting no and I would be voting yes.

The SPEAKER: The pending question before the House is the motion of Representative Carrier of Westbrook to accept Report "B". Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 189

YEAS:—Baker, A.L.; Boutillier, Bragg, Brodeur, Brown, A.K.; Brown, D.N.; Callahan, Carrier, Carter, Cashman, Chonko, Clark, Connors, Cote, Crowley, Davis, Descoteaux, Drinkwater, Farnum, Foster, Harper, Hichborn, Hickey, Higgins, H.C.; Higgins, L.M.; Hillock, Jackson, Jacques, Jalbert, Lacroix, Lander, Law, Lebowitz, Lord, MacBride, Manning, Masterman, Matthews, Mayo, McGowan, McHenry, McSweeney, Michaud, Murphy, E.M.; Murphy, T.W.; Nadeau, G.R.; Nickerson, O'Gara, Paradis, E.J.; Paradis, P.E.; Parent, Perry, Pines, Pouliot, Randall, Rice, Richard, Rioux, Rotondi, Salsbury, Scarpino, Seavey, Smith, C.B.; Smith, C.W.; Sproul, Stevens, A.G.; Stevenson, Strout, Tammara, Tardy, Telow, Theriault, Walker, Wentworth, Whitcomb, The Speaker.

NAYS:—Aliberti, Allen, Armstrong, Baker, H.R.; Beaulieu, Begley, Bell, Bonney, Bost, Bott, Brannigan, Cahill, Carroll, Coles, Connolly, Cooper, Crouse, Dellert, Diamond, Dillenback, Duffy, Erwin, Foss, Greenlaw, Gwadosky, Hale, Handy, Hayden, Hepburn, Hoglund, Holloway, Ingraham, Joseph, Kane, Kimball, Lawrence, Lisnik, Macomber, McCollister, McPherson, Melendy, Michael, Mills, Mitchell, Moholland, Murray, Nadeau, G.G.; Nelson, Nicholson, Priest, Racine, Roberts, Rolde, Ruhlin, Rydell, Sherburne, Simpson, Small, Soucy, Stetson, Stevens, P.; Swazey, Taylor, Vose, Warren, Webster, Weymouth, Willey, Zirkilton.

ABSENT:—Daggett, Dexter, Paul, Ridley.

PAIRED:—Martin, H.C.—Reeves.

76 having voted in the affirmative and 69 in the negative with 4 being absent and two paired, Report "B" was accepted and the Bill read once.

Committee Amendment "B" (H-409) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

The following items appearing on Supplement No. 14 were taken up out of order by unanimous consent.

Consent Calendar First Day

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

(H.P. 1128) (L.D. 1637) Bill "An Act to Adjust Bridge Capital and Maintenance Responsibilities" Committee on Transportation

reporting "Ought to Pass" as amended by Committee Amendment "A" (H-413).

(S.P. 566) (L.D. 1494) Bill "An Act Concerning Access to Medical Records by Prosecutors" (Emergency) Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-280).

Under suspension of the rules, Second Day Consent Calendar notification was given, the Senate Paper was passed to be engrossed as amended in concurrence and the House Paper passed to be engrossed as amended and sent up for concurrence.

(S.P. 85) (L.D. 266) Bill "An Act to Modify Inequitable Income Eligibility Guidelines in the Elderly Householders Tax and Rent Refund Act and to Increase Income Eligibility to Conform with Other Federally Established Poverty Levels" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-281).

On motion of Representative Vose of Eastport, was removed from Consent Calendar, First Day.

Whereupon, the Committee Report was accepted and the Bill read once.

Committee Amendment "A" (S-281) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (S-281) in concurrence.

The following item appearing on Supplement No. 15 was taken up out of order by unanimous consent:

Committee of Conference

Report of the Committee on Conference on the disagreeing action of the two branches of the Legislature on: Bill "An Act to Reduce the Hours Required for Master and Journeyman Electricians" (H.P. 419) (L.D. 599) have had the same under consideration and ask leave to report:

That they are unable to agree.

(Signed) Senator BUSTIN of Kennebec, Senator DANTON of York, Senator SEWALL of Lincoln—of the Senate.

Representative THERIAULT of Fort Kent, Representative RYDELL of Brunswick, Representative BAKER of Orrington—of the House.

Came from the Senate with the Report read and accepted.

Committee of Conference report was read and accepted in concurrence.

Papers from the Senate Non-Concurrent Matter

Bill "An Act to Prohibit Consumption of Alcoholic Beverages within 15 Feet of a Public Way" (H.P. 529) (L.D. 749) which was Passed to be Engrossed as amended by Committee Amendment "A" (H-405) in the House on June 13, 1985.

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

On motion of Representative Manning of Portland, the House voted to insist and ask for a Committee of Conference.

Sent up for concurrence.

The following item appearing on Supplement No. 16 was taken up out of order by unanimous consent:

Consent Calendar First Day

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

(H.P. 1077) (L.D. 1567) Bill "An Act Relating to the Income Tax Checkoff for Political Parties" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-414).

Under suspension of the rules, Second Day

Consent Calendar notification was given, the House Paper was passed to be engrossed as amended and sent up for concurrence.

By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

The Chair laid before the House the following matter: Expression of Legislative Sentiment recognizing the Town of Eddington (SLS 270) which was tabled earlier in the day and later today assigned pending the motion to reconsider passage in concurrence.

Whereupon, the House voted to reconsider its action whereby SLS 270 was passed in concurrence.

Representative Bost of Orono moved the indefinite postponement of SLS 270.

Representative Murphy of Kennebec requested a roll call vote on the motion to indefinitely postpone.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Bost or Orono that the SLS 270 be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 190

YEAS:—Allen, Baker, H.R.; Bost, Boutillier, Brannigan, Brodeur, Carrier, Carroll, Carter, Cashman, Chonko, Clark, Coles, Connolly, Cooper, Cote, Crouse, Crowley, Descoteaux, Diamond, Duffy, Erwin, Gwadosky, Hale, Handy, Hayden, Hickey, Higgins, H.C.; Hoglund, Jacques, Jalbert, Joseph, Kane, Lacroix, Lisnik, Macomber, Manning, Martin, H.C.; Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, Moholland, Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, O'Gara, Paradis, P.E.; Perry, Pouliot, Priest, Racine, Richard, Rioux, Roberts, Rolde, Rotondi, Ruhlin, Rydell, Simpson, Smith, C.B.; Soucy, Stevens, P.; Swazey, Tammara, Tardy, Theriault, Vose, Walker, Warren, The Speaker.

NAYS:—Aliberti, Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bott, Bragg, Brown, D.N.; Cahill, Callahan, Connors, Davis, Dellert, Dillenback, Drinkwater, Farnum, Foss, Foster, Greenlaw, Harper, Hepburn, Hichborn, Higgins, L.M.; Hillock, Holloway, Ingraham, Jackson, Kimball, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Masterman, Matthews, McPherson, Murphy, E.M.; Murphy, T.W.; Nicholson, Nickerson, Paradis, E.J.; Parent, Pines, Randall, Rice, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.W.; Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Taylor, Telow, Webster, Wentworth, Weymouth, Whitcomb, Zirkilton.

ABSENT:—Beaulieu, Brown, A.K.; Daggett, Dexter, Paul, Reeves, Ridley, Willey.

78 having voted in the affirmative and 65 in the negative with 8 being absent, the motion did prevail.

Sent up for concurrence.

Passed to be Engrossed As Amended

Bill "An Act to Require Parental Consent in the Case of Minors' Abortions" (H.P. 298) (L.D. 387) (C. "B" H-409)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed as amended and sent up for concurrence.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Represent-