

# MAINE STATE LEGISLATURE

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**Legislative Record**  
**House of Representatives**  
**One Hundred and Twenty-First Legislature**  
**State of Maine**

**Volume I**

**First Regular Session**

December 4, 2002 – May 23, 2003

Pages 1-776

CANAVAN of Waterville  
JENNINGS of Leeds

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

Signed:

Representative:

LANDRY of Sanford

**READ.**

On motion of Representative CLARK of Millinocket, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

**REPORTS OF COMMITTEE**

**Ought to Pass**

Report of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Reduce the Health Risks Associated with Latex Gloves"

(S.P. 262) (L.D. 767)

Reporting **Ought to Pass.**

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-177) AS AMENDED BY SENATE AMENDMENT "A" (S-225)** thereto.

Report was **READ** and **ACCEPTED.** The Bill **READ ONCE. COMMITTEE AMENDMENT "A" (S-177) READ** by the Clerk. **SENATE AMENDMENT "A" (S-225) TO COMMITTEE AMENDMENT "A" (S-177) READ** by the Clerk and **ADOPTED. COMMITTEE AMENDMENT "A" (S-177) AS AMENDED BY SENATE AMENDMENT** thereto **ADOPTED.**

The Bill was assigned for **SECOND READING** Friday, May 23, 2003.

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Amend the Abortion Consent Laws"

(S.P. 277) (L.D. 798)

Signed:

Senators:

PENDLETON of Cumberland  
CATHCART of Penobscot

Representatives:

NORBERT of Portland  
BULL of Freeport  
SIMPSON of Auburn  
RICHARDSON of Brunswick  
MILLS of Farmington

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-194)** on same Bill.

Signed:

Senator:

WOODCOCK of Franklin

Representatives:

BENNETT of Caribou  
SHERMAN of Hodgdon  
CARR of Lincoln  
DUPREY of Hampden  
BRYANT-DESCHENES of Turner

Representative LORING of the Penobscot Nation - of the House - supports the Majority **Ought Not to Pass** Report.

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED. READ.**

Representative NORBERT of Portland moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Poland, Representative Snowe-Mello.

Representative **SNOWE-MELLO:** Mr. Speaker, Ladies and Gentlemen of the House. I rise today in opposition to the Ought Not to Pass motion on LD 798. LD 798 proposes to amend existing law. I have distributed copies of the current law to each one of you today and it should be on your desk.

This bill simply amends the law to add information regarding the risks associated with abortion that presently women are not getting. It allows for the woman to be given a brochure of the risks of abortion, to take the brochure home and reflect on the important decision and come back in 24 hours. This follows similar legislation that was enacted recently in regards to the dentist giving us a brochure of the risks of having a tooth filled and possible allergic reactions.

Hopefully everyone has received this handout. The brochure is given to the woman by a social worker, a nurse or a physician's assistant. All this is is trusting woman with the information they need to make an educated decision about what is the right choice for them. This amendment does not remove choice.

The amendment also allows for the woman to be provided with the name of the doctor who will be performing the procedure. Some would claim that this bill is unnecessary because current law provides that woman receive some information about the procedure. However, eight women testified at the public hearing that the information they were given before their abortion was very, very limited. There were numbers from seven OB/GYN RN's from the Maine Medical Center that related to this fact. These nurses stated that they are very concerned that women are not being adequately informed.

There are 21 states that already have this legislation in place with others soon to follow. The good Senator from the other body has a volume of these many laws on her desk. At the hearing we had an actress, Charnette Messe, and her husband is a medical doctor, Tom Messe, who came all the way from Connecticut to testify of Charnette's personal struggle after having an abortion. She had an abortion at age 20, breast cancer at age 30. The day after she was diagnosed with cancer, she discovered she was pregnant. She gave birth prematurely to a beautiful son who is now six-months old. Charnette has been on Oprah, on the cover of leading medical magazines and has a full-page photo in Rosie Magazine. I guess she did well for herself. She and her husband have definitively found a proven link of the abortion, breast cancer and her premature birth. They submitted the prestigious document called "The Elliot Report" that was compiled by the leading OB/GYNs, psychiatrists and psychologists in this country. There are at least 25 births recorded in this document. Among them are, breast cancer, premature birth, sterility, compromised cervix, death, deep depression, grieving and suicide.

The hearing law professor, Dwight Duncan, a graduate of Harvard University testified of the constitutionality of the amendment LD 798.

Also, a very convincing group came forward and testified at the hearing. Feminists for Life gave their very compelling testimony of their stand on the effects of abortion on women.

This issue crosses party lines. People on both sides of the aisle stand together in a concerted effort to see that women of Maine receive the necessary information needed to make an educated, informed decision.

If we truly care about women, why would we not choose to give them all the information needed to help them with this important decision?

This legislation has been brought forward because women have decided to be silent no more. Maine women deserve better. Once again, I urge you to please vote against the pending motion so that we can go on to the Ought to Pass report. Thank you very much.

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

Representative **PARADIS**: Mr. Speaker, Men and Women of the House. I feel I must first establish a few facts and dispel a few myths. The first misconception, no pun intended, is that all Democrats are all pro choice or pro abortion and that all Republicans are pro life. As my good friend has just said, it crosses party lines. Right now, oddly enough, the only pro life member in our Congressional Delegation is Mike Michaud, a Democrat. The second fallacy is that pro choice means pro abortion. That is false. When I was teaching English at Madawaska High School not too long ago, invariably a debate would arise on this very personal issue. The boys tended to stay out of this one. Many girls started off stating firmly that they were pro choice. However, the more they talked, the more it became clear that they were, in fact, very pro life. They were committed to life from conception to the grave. Fellow legislators, there is a large middle group between the polarized factions of pro life and pro choice. It is a group that strongly believes in making the choice for life. Right now in Massachusetts both sides have come together and are discussing common grounds and making considerable progress. Right here in Maine in the last Legislature the referendum on end of life policies, both sides got together and arrived at a very reasonable and workable compromise.

Men and women of the House, LD 798 speaks to this middle group working through the legal framework of Roe v. Wade and subsequent court rulings to achieve the real goal of the large majority of women and men and that is to reduce the number of abortions and to promote life. Life, what a beautiful choice. Life, the first and most important of our inalienable rights. I strongly believe that LD 798 would help pregnant women very often scared teenagers avert making a bad decision that would haunt them for the rest of their lives. Many years ago the Aroostook County Democrats, yes, Democrats, sponsored a pro life booth at the Northern Maine Fair at Presque Isle. My wife and I had the opportunity to man this informational booth. I will never forget the many young people that broke up into tears when they realized what they had done to their unborn child. I refuse to use the word fetus. A child in waiting is a much more appropriate name. It is one that accepts the fact that this little breathing, eating, reacting being is crying out for recognition and respect, anticipating the day when he or she will be born into the hands of loving parents.

Our present laws are fraught with contradictions as evidence with the Scott Pederson case. He is charged with double murder, that of his wife Lacy and that of his unborn son. Sorry, we cannot have it both ways. LD 798 is a sensible bill that can prevent unforeseen consequences both physical and psychological. The testimony referred to by the previous speaker at the Civic Center was most compelling.

The great American playwright, Thornton Wilder, in his play, "Our Town" characterized, and I paraphrase here, "Pregnancy is nature's attempt to improve the human race. Often we attempt to forget that basic tenant, too caught up in a legalistic morass to think straight and to make the best decision." LD 798 is one bill

that Wilder would support. Informal consent is not too much to ask for the most important, the most mysterious, the most awesome first stage of human life and personhood and pregnancy. There very well might be a future researcher, a future doctor who will make a dramatic breakthrough that will benefit all of human kind. This bill takes the probability of this to a very distant possibility. I truly believe that a meditation period and full information within the framework of existing law. This is not out to ban or overturn Roe v. Wade. This will achieve a common goal, reduction of abortions. We can make history here today by agreeing in true bipartisanship that mutual respect, to promote life and to give those babies in waiting the opportunity to join this human race and help us better it, just as our own parents did for us. It is by giving life that we truly live to the fullest. Vote in opposition, please, to the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative O'Brien.

Representative **O'BRIEN**: Mr. Speaker, Ladies and Gentlemen of the House. Some in this chamber and in the halls have expressed to me their surprise that I am a cosponsor of this bill entitled informed consent for abortion. This will be the first of today's abortion bills that I will have supported. I don't see this as a choice bill or a pro life bill. I do appreciate the information given to me by supporters or non-supporters of this bill and lobbyists in the hall. I have listened to them and I have taken their information and I appreciate it, but I keep coming back to my own original thoughts.

I don't understand. Why is this bill so onerous? I really don't understand that. I do not follow the argument through that this will ultimately outlaw abortion. I feel that at the expense of the unrealistic, in my view, fear that we are chipping away at women's rights, we are forgetting the women of today. We have held in this chamber and in the other chamber and in committee rooms lengthy, sometimes contentious, discussions in the four terms that I have served here on whether mental health is on par with physical health. I believe we have finally realized that, of course, it is. This view has come about through the tireless efforts of advocates such as Representative Dudley and others in this chamber. I can say without question, had I had an abortion in my younger days without the measures afforded in this bill, my mental health for many, many years to come be in question.

If I may quickly list some components of the bill, some have been listed earlier. There have been many, many pieces of paper coming on our desks fast and furiously. I would just like to maybe pose rhetorical questions about what this bill does and does not do. One of the components requires a brochure developed by the Bureau of Health that lists the risks of abortion and childbirth. In one of the Maine Choice Coalition's handout it calls this biased counseling and endangers women. I seriously don't make that connection. It also talks about the fact that the written brochure must be given and the woman must have 24 hours after having in hand the information on the risks involved, childbirth and abortion, the gestational age and development of a fetus. The woman goes away and in 24 hours later she comes back if she decides to go along with this. I don't understand how that endangers or is in any way jeopardizing the lives, physical and mental, of our women.

We all have strong personal opinions regarding abortion. However, this to me is simple, it is moderate and it does protect the physical and mental health of our women and girls. I urge you to defeat the Majority Ought Not to Pass Report so that we can go on to accept the bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Norbert.

**Representative NORBERT:** Mr. Speaker, Ladies and Gentlemen of the House. The majority of the committee felt this was unnecessary and that the pamphlet that would flow from it would be ill advised or inaccurate. This will be the fifth time in the past 10 years that the Maine Legislature has been asked to consider waiting periods. We have rejected them all of the previous times. I hope we will tonight. I am sure the majority of this chamber has its mind made up already. For those of you who may think that this is an innocuous piece of legislation, I am speaking tonight to try and persuade you that it is not.

I oppose the bill for several reasons. The first, it is unnecessary. In effect, given the rural nature of our state and the lack of services in many areas and the fact that appointments must be made well in advance for doctors, there is already, in effect, a 24-hour waiting period. Most people have to make appointments well in advance. Also, we have a very good informed consent law on the books that we can be proud of. We have been a model state. It was the result of a bipartisan interest from both sides of the issue that we came up with an informed consent law that requires our doctors to review risks with women considering this procedure, to review the medical risks, to go over it in writing and to provide, when requested, options for counseling, clergy or consultation.

The pamphlet that would be produced by the Bureau of Health is problematic, mostly because it overstates the risks associated with this procedure, which, surprisingly, is one of the safest of all surgical procedures. The fact that, unlike other procedures where waiting might not be a problem, when you put off waiting for a procedure such as this, complications can arise. It can endanger the health of women.

The pamphlet that would be distributed that would cost \$20,000 or so would list a variety of risks either are not truly related to this procedure or are overstated. It also talks about psychological risks, alienation and anger, which haven't been medically linked to this procedure, ladies and gentlemen, and maybe that is why the medical community is in such opposition to this. I think the other main reason the medical community is in opposition to this is because the bill doesn't trust our doctors. I believe we should put our trust in our Maine women to make the right decisions and in our Maine doctors who are ethical, who have sworn to take oaths, who have canons which govern their behavior and who are regulated by this informed consent law. We need not interfere with the patient/doctor relationship. We should trust it. These conversations are occurring. This pamphlet is unnecessary. As I said, it overstates the risks of the procedure.

Waiting for women can be expensive and unnecessary and also demeaning. I think what upsets me most about this bill is it assumes that our women are not intelligent enough to make these decisions in their own time and in their own way. As I said, it does not trust our doctors, I believe, to do the right thing. Waiting periods can put women's health at risk. They certainly can have a negative affect on low-income women. They would have to make a couple of trips or stay over for such a procedure. As I said, they can be dangerous.

Counseling that could occur from this pamphlet, if you don't consider it biased, it certainly is not necessarily accurate or medically proven. I urge you to join with the majority of the committee to put our trust in Maine women and the medical professionals of this state and reject this bill.

**The SPEAKER:** The Chair recognizes the Representative from Falmouth, Representative Davis.

**Representative DAVIS:** Mr. Speaker, Ladies and Gentlemen of the House. I attended the hearings, LD 798, and I will speak

very briefly. I will never forget one woman who came up. She was 40 years old. She was one of the most beautiful women I have ever seen. She came up and said that she had had an abortion at 15 years old. She had never married and never had another child. If you could see the tragic look on her face as she walked out of the hearing, I think the damage and the risk was psychological to her heart and to her soul. I just feel like, what is the harm of waiting 24 hours. I disagree with my friend from Portland, Representative Norbert. This is the damage to them, the internal damage to their heart, their soul and to their future.

**The SPEAKER:** The Chair recognizes the Representative from Hampden, Representative Duprey.

**Representative DUPREY:** Mr. Speaker, Men and Women of the House. I rise today to oppose the current motion and to support the bipartisan, 7 to 6 Minority Ought to Pass Report. I would like to take a couple minutes today to tell you why I think this bill deserves passage. I have learned a lot in the last three years I have been here. In the last term I wasn't very effective. I gave floor speeches that were a little too passionate and emotional. I am sure nobody listened to them. I am sure everybody agrees with me. Over the last year something has changed in me. As I have watched people, I have grown to respect this chamber while giving passionate floor speeches on gun control and domestic violence and environmental issues and labor issues. I have come to the realization that we all have issues which we are passionate about and we can have open and honest debates. People do listen. That is what we are here for, to listen. Hearts do change, minds to change. I have changed my mind on some things. I was speaking to a Democrat friend of mine one day last session and we started talking about the abortion issue. He told me that he personally opposed abortion, but does support a woman's right to choose. He told me something that made me rethink the way I think about you on the other side of this issue. He told me pro-choice does not mean pro-abortion. That has resonated with me over the past year. Pro-choice does not mean pro-abortion. There are many of you who I am sure feel the same way, that pro-choice does not mean pro-abortion. If we are truly pro-choice and not abortion, let me give you a few reasons why you should support LD 798 as amended.

The goal of any pro-choice person should be a reduced amount of abortions. That should be our goal, to reduce as many as you can while still keeping access to abortion available. If you are pro-choice and not pro-abortion, you should be pleased with the number of abortions that have gone down quite a bit over the last few years. The only people upset that the numbers of abortions are sharply down are the industries that profit from abortions, many of whom have paid lobbyists roaming these halls. These people are pro-abortion, not pro-choice.

I want to make sure that a woman has every choice available to her to make sure that she is fully informed prior to making that decision, which is permanent and cannot be undone. I would like to do everything legally in my power to help her choose an alternative to abortion and make sure that if she does choose to abort, she knows exactly what she is doing and the consequences to that action.

The bill does a few things, first it enacts a 24-hour waiting period prior to an abortion. I have heard for years that we should enact a 24-hour waiting period before you purchase a handgun. I have heard a cooling off period. It was a cooling off period to prevent somebody from buying a handgun and just going out and killing someone. I have heard debate that if it would only save one life, it would be worth it. I am not here to debate gun control, but what is the harm of making sure that during the 24-hour waiting period the woman has the chance to reaffirm that

decision that cannot be changed. If she does change her mind and chooses not to abort, ask yourself this question, is it a good thing or a bad thing?

Lastly, this bill mandates that DHS prepare a brochure to be given to a woman 24 hours prior to the procedure, describes the procedure and the risk, but also the risk of carrying the baby to term. Most people don't realize that there is a ten times greater risk of dying if you deliver the baby and go to full term than if you have an abortion. Woman should know that fact. Also, to talk about some of the information that the Representative from Portland, Representative Norbert, talked about. He was talking about this brochure being inadequate. It hasn't been developed yet. Since the Bureau of Health opposes this bill, I am sure that the Bureau of Health would make sure that it would be medically accurate if they were the ones tasked with developing it. I am almost positive that they would make sure it was medically accurate.

This session I saw something remarkable. Normally most people on gun control issues dig their heels in and refuse to budge on gun issues, even in such matters as domestic violence. This session the AG's Office got together with NRA, SAM and other pro and anti-gun groups and hammered out a reasonable compromise on a domestic violence gun control bill. That compromise I was proud to vote for in committee to help get a unanimous report. It shows you that opposing sides can work together to pass good legislation. If both sides on the abortion issue were to get together to hammer out a good piece of legislation, then LD 798 would be it. It keeps abortion perfectly legal and accessible, but on the other hand it empowers women to make informed choices. Knowledge is power. Why should we be afraid of women having knowledge?

One final thought and I will sit down. If this bill were to pass, and there were a couple of women to reconsider their decisions to abort and they gave birth to a beautiful boy or a girl, would these women be upset with us for giving us time to rethink their decision. Thank you Mr. Speaker. I request the yeas and nays.

Representative DUPREY of Hampden **REQUESTED** a roll call on the motion to **ACCEPT** the Majority Ought Not to Pass Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Simpson.

Representative **SIMPSON**: Mr. Speaker, Men and Women of the House. I just want to answer one small point on whether or not this is good. The good Representative from Hampden said there could be bills that would do some good around abortion. We do have statistics from other states that have these mandatory waiting periods. The State of Mississippi is very similar to Maine. It is very rural and not very well off. When they adopted mandatory 24 hour waiting periods there was no decrease in the number of abortions, but there was a 17 percent increase in second trimester abortions, which are much more dangerous to women. I would urge you to please consider that before voting and follow the Majority Ought Not to Pass Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Comville, Representative Mills.

Representative **MILLS**: Mr. Speaker, Men and Women of the House. Please allow me to put a little footnote to this interesting discussion. Fourteen years ago this issue was far more contentious than it is today. It resembles, in some respects, some of the other policy issues that have burdened legislative chambers in years past, slavery in the mid part of the 19th Century, prohibition in Maine was debated year after year after

year at great length. It seems to have died down in due course. This issue, however, in my own memory, reached its peak of contention around 1989 and the Judiciary Committee of that year focused down hard on it and decided to prepare a bill, a piece of legislation, that would put the issue as best they could to rest for a long time. They managed to craft an 8,000-word piece of legislation that is currently state law. It came out of the Judiciary Committee with a 12 to 1 vote. I well remember when I was here in my first term in 1995 when these issues were presented over in the Civic Center to the Judiciary Committee, the chairs of that committee came down together in tandem. They took the microphone together and told us the story of all the work that they put into crafting this bill that we now have as part of our Maine law. The committee report was 12 to 1 in favor and Representative Pat Paradis had been the one who held out and voted against it. He wanted to say in 1995 that he had changed his mind and he was coming down six years late in order to generate a unanimous report behind the fine work of that committee that they so fondly remembered in 1989. It resembled in some respect the work that was just described by the good Representative from Hampden, Representative Duprey, on the issue of gun control in this Legislature. The issue then was, I believe, bigger. The bill was far more comprehensive and it is a law that you can read for yourself. It is about 8,000 words. It occupies 10 or 15 pages of our current statutes. It deals with immunities, employment protection, discrimination for refusal, the sale or use of fetuses, parental notification and informed consent and many, many other issues that surround this contentious discussion.

This statute has worked well. The number of abortions has gone down steadily year after year for a host of reasons, not the least of which is the statute that we have in place. I think we should leave the statute in its current form and give honor and recognition to the fine work of that Judiciary Committee 14 years ago.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Marrassé.

Representative **MARRACHE**: Mr. Speaker, Men and Women of the House. I stand before you as a physician and legislator, but I have wanted to ask anybody here, have you ever talked to a woman contemplating abortion? I have. It doesn't happen like that. They think long and hard. They agonize and they come to you with a decision usually made in their mind and they are asking you for information and help. I am a physician, actually, that doesn't believe in abortion, although I believe in choice. I have had to deal with my own ethical issues around this. Talking with women who have to deal with this decision, which is one of the biggest decisions of their life, if they say they still want to go through with it and I have given them all the information they need, you know what, we don't need to be making them wait another 24 hours and agonizing on whether this decision was the right one. They have gone through it. They have agonized long enough. We don't need to be putting them through it any longer. Besides, they are not going to have a midnight abortion. They are going to have to schedule an appointment and get it settled. Please do not change what is currently in operation right now. It appears to be working well. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

#### **ROLL CALL NO. 159**

YEA - Adams, Barstow, Blanchette, Bliss, Brannigan, Breault, Brown R, Browne W, Bruno, Bull, Campbell, Canavan, Churchill J, Cowger, Craven, Cummings, Daigle, Dudley,

Duplessie, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Greeley, Grose, Hatch, Hutton, Jacobsen, Jennings, Jodrey, Kaelin, Kane, Koffman, Laverriere-Boucher, Ledwin, Lemoine, Lerman, Lessard, Lewin, Maietta, Mailhot, Makas, Marley, Marraché, McCormick, McGlocklin, McGowan, McKee, McKenney, McLaughlin, Mills J, Mills S, Moore, Murphy, Muse, Norbert, Norton, Nutting, O'Brien L, Pellon, Percy, Perry A, Pingree, Piotti, Richardson J, Rines, Rogers, Rosen, Saviello, Simpson, Smith N, Smith W, Sullivan, Suslovic, Thomas, Thompson, Tobin D, Twomey, Walcott, Watson, Wheeler, Woodbury, Mr. Speaker.

NAY - Andrews, Annis, Austin, Bennett, Berry, Berube, Bowles, Bryant-Deschenes, Bunker, Carr, Churchill E, Clark, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Davis, Dunlap, Duprey B, Duprey G, Fletcher, Glynn, Heidrich, Honey, Hotham, Jackson, Joy, Landry, Lundeen, Millett, Moody, O'Brien J, Paradis, Patrick, Peavey-Haskell, Pineau, Richardson E, Richardson M, Sampson, Sherman, Shields, Snowe-Mello, Stone, Sykes, Tardy, Tobin J, Trahan, Treadwell, Usher, Vaughan, Wotton, Young.

ABSENT - Ash, Bierman, Bowen, Dugay, Goodwin, Ketterer, McNeil, O'Neil, Perry J, Rector, Sukeforth.

Yes, 86; No, 54; Absent, 11; Excused, 0.

86 having voted in the affirmative and 54 voted in the negative, with 11 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

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By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

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On motion of Representative PERCY of Phippsburg, the House adjourned at 5:46 p.m., until 9:00 a.m., Friday, May 23, 2003 in honor and lasting tribute to Anthony P. "Tony" Notis, of South Portland.