

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Nineteenth Legislature
State of Maine

Volume II

First Regular Session

May 13, 1999 – June 19, 1999

Second Regular Session

January 5, 2000 – March 22, 2000

Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 259

YEA - Ahearne, Andrews, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Carr, Chick, Chizmar, Cianchette, Clark, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dugay, Duncan, Dunlap, Duplessie, Etnier, Frechette, Fuller, Gagne, Gagnon, Gillis, Green, Hatch, Honey, Jabar, Jacobs, Jodrey, Kane, Kneeland, LaVerdiere, Lemoine, Lovett, Madore, Mailhot, Martin, McDonough, McGlocklin, McKee, McNeil, Mitchell, Murphy E, Murphy T, Muse, Norbert, Nutting, O'Brien JA, O'Brien LL, Peavey, Perry, Pieh, Powers, Quint, Richard, Richardson E, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl MV, Schneider, Sherman, Shiah, Shorey, Sirois, Stanley, Stanwood, Stevens, Tessier, Thompson, Tobin D, Townsend, Tracy, Tripp, True, Twomey, Usher, Volenik, Watson, Weston, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Belanger, Berry DP, Bowles, Bragdon, Campbell, Clough, Collins, Foster, Gerry, Glynn, Gooley, Heidrich, Jones, Joy, Kasprzak, Lindahl, MacDougall, Mack, Marvin, McKenney, Mendros, Nass, Perkins, Pinkham, Plowman, Shields, Skoglund, Snowe-Mello, Stedman, Tobin J, Trahan, Treadwell, Waterhouse, Wheeler EM.

ABSENT - Buck, Dudley, Fisher, Goodwin, Labrecque, Lemont, Matthews, Mayo, McAlevy, O'Neal, O'Neil, Povich, Richardson J, Saxl JW, Sullivan, Tuttle.

Yes, 101; No, 34; Absent, 16; Excused, 0.

101 having voted in the affirmative and 34 voted in the negative, with 16 being absent, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

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

The following item was taken up out of order by unanimous consent:

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by House Rule 502.

Resolve, to Establish the Citizens' Advisory Committee to Secure the Future of Maine's Wildlife and Fish

(S.P. 725) (L.D. 2045)

(C. "A" S-254)

TABLED - May 17, 1999 (Till Later Today) by Representative SHIAH of Bowdoinham.

PENDING - FINAL PASSAGE.

On motion of Representative DUNLAP of Old Town, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Resolve was **PASSED TO BE ENGROSSED**.

The same Representative **PRESENTED** House Amendment "A" (H-639) which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. What this amendment does, it provides for a

technical change which deals with the appointment of committee members or Legislators, rather, to this study committee and makes it more in conformity with the standard practice of those appointments and also the other significant part of this floor amendment is that it is the first one I have ever offered and if anyone would like an autographed copy, I'll make sure that you get one. Thank you very much.

House Amendment "A" was **ADOPTED**.

The Resolve was **PASSED TO BE ENGROSSED** as Amended by Committee Amendment "A" (S-254) and House Amendment "A" (H-639) in **NON-CONCURRENCE** and sent for concurrence.

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

The following items were taken up out of order by unanimous consent:

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act to Ban Partial Birth Abortion" (I.B. 1) (L.D. 1593)

Signed:

Senators:

LONGLEY of Waldo
TREAT of Kennebec
BENOIT of Franklin

Representatives:

THOMPSON of Naples
BULL of Freeport
LaVERDIERE of Wilton
MITCHELL of Vassalboro
JACOBS of Turner
NORBERT of Portland
SCHNEIDER of Durham

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-627)** on same Bill.

Signed:

Representatives:

PLOWMAN of Hampden
MADORE of Augusta
WATERHOUSE of Bridgton

READ.

Representative THOMPSON of Naples moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The **SPEAKER**: The Chair recognizes the Representative from Naples, Representative Thompson.

Representative **THOMPSON**: Mr. Speaker, Men and Women of the House. The bill before you on Supplement 4 is the initiated bill, which has been submitted to the Legislature in accordance with the Constitution of the State of Maine. Our options here this evening are to vote either Ought to Pass or Ought Not to Pass, just as our options were back in the committee. In an initiated petition there are no amendments allowed to the initiated bill and the committee could either vote to pass it, Ought to Pass or Ought Not to Pass which is the vote to send the bill out to a referendum vote. There was one other option available to the committee, I might add, that the

committee did not take and that is in any referendum you could have the report to say you want to put on a competing measure. In this case the committee voted 10 to 3 to send the matter out to referendum, so when you look at the vote of the committee, Ought Not to Pass has a somewhat different meaning than it does on most issues that are before you.

This area of abortion is an area which I would go out on a limb and say we are not going to change any minds on tonight and the issue on this bill is simply whether you choose to vote to enact the bill at this time or to send the bill out to referendum. I'd like to though, give my opinions on the bill, on the referendum, the initiated bill and tell you why I do not support this bill.

LD 1593 does not have an exception in it to protect the health of the woman. It simply says that a certain type of procedure is prohibited. It does say in exception for the life of the mother, but not for the health of the mother, so the situation could arise where the woman, the mother, the woman faces a potentially very serious medical emergency, but an exception could not be made to this law, to this ban unless it was to save her life. Anything short of that and there is no exception.

I also oppose the initiated petition because it is vague for a couple of reasons. The concept of partial birth abortion is certainly not a medical term and is not a discrete procedure that is described as a medical term, it's a term that is defined in the law and the provisions of this bill, although it reports to only prohibit late term abortions, there is no statement of the fact that it banned only after viability so it could be construed to having the affect of being in effect in earlier stages of pregnancy than you would otherwise be led to believe.

In the State of Maine in current law, enacted in 1993, prohibits post viability abortions and the only exceptions are when a woman's life or health is in danger. As a result of that ban, from the statistics provided us by the Department and Doctor Dora Mills from 1984 to 1997, there were only two third trimester abortions performed in the State of Maine. There is no indication whether those were of the partial birth abortions or not. Now you will also hear, I'm sure, from my friend the Representative from Hampden, Representative Plowman, that there are a certain number of other documents that were filed with the Department that were not completely filled out and there is some truth to that, but there is also no indication that any of those involved third trimester abortions. In addition from 84 through 97, 99 percent of all abortions performed in Maine were performed before the 20th week of the pregnancy.

The final reason why I am opposed to this bill is that I believe it is unconstitutional, that it contrasts, contradicts the Supreme Court decisions which have laid out the law in this area. So far federal and state courts in 18 other states have found, either found the statutes to be unconstitutional or have held up enforcement of enacting or they have stopped the enforcement of the law until the final ruling is made. The courts have indicated in some of these decisions, in many of these decisions, that laws very similar to this are written so broadly that they could outlaw the most common and safe abortion procedures used at nearly every stage of pregnancy. This is an issue that I don't think is going to end here tonight, obviously, it's going to go on from here. I will be voting with the Majority Ought Not to Pass Report and I don't expect I am going to change any minds, but I also don't expect anyone on either side is going to change any minds on this issue. Thank you.

Representative JABAR of Waterville assumed the Chair.
The House was called to order by the Speaker Pro Tem.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Madawaska, Representative Ahearne.

Representative AHEARNE: Mr. Speaker, Ladies and Gentlemen of the House. I ask you to vote against the pending motion so there will be no need to send this bill, this initiative out to referendum, so that we can enact this bill. Life is precious. Life is sacred and should be cherished by all. I am a pro life democrat, but being pro life is not just being anti abortion. We all have responsibility to insure that all stages of life receive the respect, care and dignity it all deserves. I accept unhappily that abortion is legal and the Supreme Court as of now will keep it so. I am a realist, abortion will not disappear. The fight to eliminate and end all abortions is impossible. However, having made those statements, under current law abortions are too readily available and there are no safe guards to insure all of those involved know the whole truth about the procedure or about the availability of services if a decision is made to keep the baby. I want to clarify once and for all a statement that continues to be advocated time after time and that statement is that current Maine law forbids the third trimester abortions and thus the law to ban partial birth abortions is not needed. Not true.

First, let's discuss current Maine law, Title 22, section 1598, subsection 4, abortion after viability. As defined in Maine Statute, viability means the state of fetal development when the life of the fetus may continue indefinitely outside the womb by nature, natural or artificial life support systems. An abortion performed after viability is prohibited except as necessary for the preservation of the life or health of the mother. As I have continued to point out and time after time the critical word is health. In the United States Supreme Court Ruling, Doe versus Bull, the word health is broadly defined. Medical judgment must be excised in the life of all factors, physical, emotional, physiological, and the woman's age, relevant to the well being of the patient. The court wrote all these factors may relate to health. This allows the attending physician the room he needs to make his best judgment. This landmark ruling makes the prohibition on abortions after viability as stated in Maine law an absolute joke. It amounts to a mostly symbolic, but unenforceable statement by the State of Maine that abortions after viability are frowned upon, but the Supreme Court's ruling and the broad definition of health, third trimester abortions and for that matter, partial birth abortions can and will be performed at any stage of the pregnancy for whatever the reason. What we have here, in fact, is on demand abortion. Abortion at any time during the pregnancy for any reason, so let's set the record straight once and for all. The continued statement by the pro-abortion advocates that because there are only a small percentage of third trimester performed, a ban on partial birth abortions is not needed, fails the straight face test. With this logic and reasoning, does it mean that because Maine has a low murder rate or crime rate, we can reduce our public safety budgets or reduce the police force. Does this mean because we are seeing a reduction in teenage pregnancy, we can cut or even eliminate funding for programs that cause that decrease. The obvious answer is no. This form of logic and reasoning is completely flawed.

There are other problems with the pro abortion planks, one, the fact that third trimester abortions are permitted for nearly any

reason and that unborn children are left unprotected is significant in itself regardless of whether a small percentage of total abortions have taken place during this time. Two, since there are 1.5 million abortions per year in the United States, it follows that 15,000 or one percent of them are done in the third trimester. This means that 1,250 of them are performed every month, about 40 a day. This is no insignificant number. Another claim from the pro-abortion advocates is that this citizen's initiative to ban partial birth abortions will ban all abortions is completely false. Rather than discuss the absolute need and defense for this horrific procedure the pro-abortion advocates rather divert attention from the real issue and that is the abortion itself. As far as I recall not once during the debate last legislative session to ban partial birth abortion did the issue of the complete ban ever arise, not once. This bill is a mirror of the federal legislation that was vetoed by our President and the procedure described is a very precise as is what is being prescribed. It is based on that Doctor Haskell's own description. Doctor Haskell is one of those who support the use of the partial birth abortion procedure. The bill is so worded as to clearly distinguish the procedure being banned from recognized obstetric techniques and recognized abortion techniques, such as DNE which would be unaffected by the proposed ban. Personally, I welcome the discussion on partial birth abortion. For that matter, the whole issue of abortion itself, once the people of Maine hear the facts and not the distorted views of the pro abortion advocates, they, too, will see the need for safeguards on nonrestricted abortions here in Maine and why a ban on partial birth abortion is needed. I look forward to seeing those doctors like Doctor Mark Haskell, who supports this procedure go up against those doctors like former Surgeon General C. Everett Koth, who sees no reason for this procedure in a one on one or group debate. It is important that everyone know the facts from the professionals who deal with these cases. Once the citizens of Maine see the truth, they too will be supportive of the initiative to ban partial birth abortions.

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

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. Often times, I'm sure all of us, I certainly had a moment this morning, that we see things that are somewhat ironic and very poignant. I had one of those moments this morning when I got this little piece of paper on my desk, as I'm sure all of you have seen it and may still have it. In a sense it's a study showing butterflies, and I thought when I read that about the upcoming debate on partial birth abortion and how ironic it is that we have this concern on the protection of butterflies and yet this procedure is being carried on.

All those things that the good Representative, Representative Ahearne, said as far as I'm concerned are true. I remember the debate in the 118th, and by the way ladies and gentlemen in the 118th this House passed the ban by a pretty good margin. It was a long day. Some of you who were here then remember that debate and I'm going to try to keep mine truncated so we don't keep it too long, but some of the things have to be said and keep on being said and stressed. I remember the debate was a dueling of doctors, we had a group of doctors who said this and a group of doctors who said that. It was almost like a jury trial, you had expert witnesses on both sides. One saying it was

never medically necessary to protect the mother's health or future fertility, others saying you should keep out of the doctor patient relationship. The American Medical Association taking a position against this procedure saying, if anything, to be harmful.

About the constitutionality and it's been mentioned before in the last couple of days how strange it is we all use the Constitution as a leverage to debate against some of the things we don't like. Some of those cases have been decided by the Supreme Court, but this one hasn't. This one is not ripe. It hasn't reached the Supreme Court, so I don't think it's a valid argument to say this is unconstitutional, in light of what the Supreme Court has done on some of the abortion issues.

I wish that everybody here could have seen the testimony that Senator Henry Hyde gave before the Judiciary Committee in Congress. I got on the Web site this morning and read it. It was very profound and it really tells, to me, how dangerously close we are in our society to go over that precipice. The strange thing about this abortion debate on partial birth abortion, most of my calls in the 118th and most of my contact since this issue has been put out to come before the citizens in an initiative are from pro choice people. Lifelong pro choice people who recognize this for what it is, in their eyes and in my eyes and what my good friend from Westbrook, previous Representative from Westbrook, Bill Lemke, having been a pro life person, supporter, all his life said ladies and gentlemen let's call this what it is, it's infanticide. I'm going to stop here and hope that everybody will reach into their soul and vote against this pending motion. Thank you.

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

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Dexter, Representative Tobin.

Representative **TOBIN**: Mr. Speaker, Ladies and Gentlemen of the House. I rise for the third time this week, which doesn't happen very often. I was present during the 118th when we debated this for several hours, if I remember correctly and for the last two years I've been reflecting over what was said and to be very honest with you I'm sorry that I didn't get up during the 118th. I'm also asking you to vote against the pending motion.

There are a number of reasons, maybe it's my French, Irish Catholic upbringing, maybe it's my wife having worked in the maternity ward at the local hospital, maybe it's because I've had four grandchildren in the last four years and held in my arms just minutes after they were born, but I thought about this for a couple of years and the most important reason is none of those. The most important reason I lend to my education, ladies and gentlemen.

I want you to think for a minute about the movie, *Forrest Gump*. You know my wife thinks it was far fetched, but there was a lot about universal truth in that movie. Forrest had two handicaps, both physical and mental and he went on to accomplish tremendous things in the course of his lifetime, but it all began with his mother and so did my education, ladies and gentlemen, my education began with my mother. I remember my mother reading to me *Black Beauty*, I wasn't even four years old, but I remember that. We went on to the *Swiss Family Robinson*, and *Robertson Caruso* and *Heidi* and by the time I was six years old, she had read most of all the classics to me so when I started school in the first grade, I was an avid reader.

I was going to be a math major in college but after my freshman year was just a repeat of what I had in high school so I decided to be a literature major. I majored in literature. In graduate school I took a special interest in philosophy and I still

have a special interest in philosophy and it's amazing how the great writers, the greatest writers in the history of man, the greatest thinkers, the greatest philosophers in the history of man have reached some similar conclusions and those conclusions are there are four great conflicts in the world, ladies and gentlemen, the first one is man versus man, very easy to understand, Hollyfield versus Tyson, the world versus Sadden Hussein. It's an internal conflict. Man is going to conflict with other men.

The second, ladies and gentlemen, is man versus nature, the ice storm of 98. What control did we have over the ice storm of 98? What control do we have over the weather and global warmness? We have very little control over that conflict, man versus nature. The third, ladies and gentlemen, is very, very, very important, it's man versus himself. It is the most awesome, the most dangerous, the internal conflict that we have and this bill, ladies and gentlemen, is a perfect example of man versus himself. We are our own enemies, we are consuming ourselves. Forrest Gump's mother said to him, "Forrest, life is like a box of chocolates, you never know what you're going to get. Forrest, stupid is as stupid does."

Ladies and gentlemen, I know I probably won't change many people's minds. I think our good Chair is absolutely correct, but if you're on the border line, just think about that important conflict, man versus himself and think about our unquenchable thirst for control. Evidence, 3,000 bills this session. Man's unquenchable appetite, we can't satiate our appetite for control. What a perfect example this is. We want to control everything. Please ladies and gentlemen examine you consciences and think about voting Ought Not to Pass. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Freeport, Representative Bull.

Representative BULL: Mr. Speaker, Men and Women of the House. I rise today in strong support of the pending motion. We need to call this bill for what it is. This is the bill to ban abortion. I'm not here to defend the procedure, I'm here to defend the woman's right to choose and show my trust in a woman's decision. I want to ask you all to do something that I think happens all too rarely on this House floor, I want you to find this bill in your folder, in your neighbor's folders, and look at it and read it. Really look at it, look at the language, look at the definitions and try to explain what this bill means, because that is what the crux of this comes down to. The language in this bill is so vague, so ambiguous, that this bill could easily be construed to ban all abortions. The doctors who would be faced with this bill would not know it's interpretation and therefore could very likely choose to skew all portions for fear that they would be in violation of this vague and ambiguous law. This bill has so far been challenged 18 different times in 18 different states to courts, so far not one court has upheld this bill. They have all overturned this bill on constitutional grounds that it violates Roe B. Wade.

Already, here in Maine you have a law that bans abortions post viability except for the life or the health of the mother. What this bill intends to do is nullify current law, current law that has been on the books for many years. We've heard some reference that the health exemption in that current law could be abused. Ladies and gentlemen, I trust a woman not to go out and get an abortion on a whim, particularly one late in her pregnancy. We may be hearing some descriptions here, this is not about procedure and what it means. What this is about is a woman's right to choose, and to make incredibly painful personal

medically necessitated decisions on her own. If we take the health exemption out, what we are asking the woman to do is to make a trade off between her health and the survival of the fetus. So again, what we have here is the bill to ban abortion. This is a back door attempt to circumvent the Supreme Court's decision in Roe B. Wade that constitutionally protects the woman's right to choose. If this bill is passed in it's present form, in it's vagueness, that is what this bill will do it will ban abortions. The Maine Medical Association has not come out in opposition to this bill, to this procedure. The whole issue of abortion to me, ladies and gentlemen, is that this is an incredibly private, personal decision that needs to be left between a woman, her doctor, and her God. We can not inject government into this equation. I urge your support for the pending motion. Thank you, ladies and gentlemen.

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

Representative NORBERT: Mr. Speaker, Ladies and Gentlemen of the House. Sadly for many women, life is not a box of chocolates, faced with the anguishing and difficult personal choices, terminating pregnancy at the late stage is very difficult and I wish you all could have been at the public hearing to hear some of the tragic stories of people who did not want to make this decision, but who had to, because of the health considerations. As a member of the Judiciary Committee, I rise in support of the pending motion, and I just wanted to speak briefly about Constitutional ramifications of the bill. So many times in this chamber we are aloath and rightfully so discuss Constitutional questions. It's so often it is the prerogative of another branch of government, but I still feel as lawmakers it is our responsibility to look to what courts have said about the laws we are considering, especially when they have done so in unison and in such a loud and similar voice. As I think it is in this case, given numerous court decisions throughout other states that have considered almost the exact same language in this case. Maine currently does have a Constitutional statute on the books and it is Constitutional, it bans abortions after viability except to protect the life and health of the mother. This proposed bill, or law, does not even mention viability. As has been noted earlier, in the last two years alone, partial birth abortion bans have been challenged in 19 states and in all but one of them, the courts have refused to let them go into action. There are similar factors underlying these court decisions and that is the recognition by the courts of four particular elements common to the proposed laws. One is the undo burden, such a law would present on the right of a woman to terminate her pregnancy, because of the wide-ranging prohibition on safe and currently common and legal methods of abortion. Second is a failure of these laws to include adequate exceptions for abortions that are necessary to preserve a woman's life or health. Third, many courts have found the language is impressively vague and fourth, in some cases, they impose unconstitutional spousal or parental involvement requirements.

Now contrary to what the ban's proponents would have us believe, bans on so called partial birth abortions could actually ban abortion in general, because of the vague language. The truth is that courts have been noting this in their decisions striking down the laws, because they are so vague, the law's language is so vague and broad that it could apply to virtually any type of procedure. Also the ban threatens woman's health, federal courts have recognized that the ban's do not protect the state's legitimate interest in the health of a woman, but rather

pose a threat to the health by potentially banning the safest abortion procedures available and by failing to include adequate health or life exceptions. I hope you consider supporting the Committee's hard and well thought out Majority Report and vote this bill Ought Not to Pass.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Hampden, Representative Plowman.

Representative **PLOWMAN**: Mr. Speaker, Men and Women of the House. This is not a bill to ban abortions. This is a bill to ban partial birth abortion and I can read and I can see that it's not vague. Partial birth abortion means an abortion in which the physician performing the abortion partially, vaginally delivers a living fetus, killing the fetus before completing the delivery. If there's a doubt in your mind what that means, there's some pictures on your desk that explain it. Roe versus Wade was passed 20 years ago. In 20 years we've advanced incredibly in the procedures that we do, to both save and kill babies. The week after this was killed in the other Body two years ago, I watched an incredibly operation where a woman was advised by her doctor that the tumor that was growing on her baby's body was drawing all the baby's energy and her energy and that it would result in the death of her baby as well as result in terrible harm to her. She was advised to have a partial birth abortion, because the baby was quite far along when they discovered the tumor. She refused and she searched and she traveled from the east coast to the west coast where she found a doctor who would open her womb, remove the tumor, sew the baby's bottom up, replace the baby in the womb, suture the womb and suture her closed. The baby was born approximately six weeks later with a little scar on her bottom from where her tumor used to be. If she had followed her doctor's advise she would have been sucked into a sink.

When Roe versus Wade was written 20 years ago, Justice Stewart spoke of the possibility that perhaps in later stages of pregnancy that the State should be permitted to prohibit or restrict abortions and that there may come a time when abortion procedures suggested or performed may actually have to be prohibited. I'd say we are there.

Roe versus Wade guaranteed women an empty uterus, an empty womb. Not the promise of a dead baby. For those of you who haven't heard what a partial birth abortion is, the doctor who invented it, Dr. MacMann, after he invented it described the moment where he discovered he could do this as a moment of serendipity. Look it up, it means to discover by delight or surprise, a moment of serendipity. He was looking back on the abortions that he performed and some were easier than others, now why was that, oh, it was a breech presentation, well if I can make every abortion a breech presentation, I could cut a 45 minute to an hour long very tough, difficult abortion into a 15 minute procedure for him. A three day procedure for a woman, so with the help of an ultrasound, the doctor turns the baby, and pulls the baby's feet, legs, bottom, back, arms, shoulders through a previously dilated cervix, but a cervix not dilated to the point where the head can progress through. When asked why the cervix is not dilated to that point, one doctor said, you don't want to slip and accidentally have a live birth. The purpose of this procedure is to produce a dead fetus. That my friends is a partial birth abortion. A partial birth abortion takes a child to within three inches of being protected by the same Constitution that guaranteed his mother the right to an abortion.

When you talk about health and life of a mother, do you know you have to schedule your emergency illness to fit the days that

the clinic does partial birth abortions. The busiest clinic in the United States does them on Tuesdays and Thursdays. Bring your \$2,500 in cash we'll start the process. If you can schedule your life saving procedure on Tuesdays or Thursdays, I would suggest that you are not that close to death. The other beautiful thing about a partial birth abortion is that it takes place in a clinic, no peer review. Perform a C-section in a hospital, have a birth go wrong in a hospital, have anything go wrong in a hospital, there's peer review. In a clinic, the doctor in charge is the only person who knows what's going on and I will tell you that the doctors who are in charge in the State of Maine are filing reports with the Department of Health as prescribed by law and they are showing, I have 1998 figures, 13 week abortion, not too far along, there're showing 16 week abortions with intrauterine as the indicated type of abortion, that, my friends, is where you go into the uterus pull a baby out. That was performed May 16, 1998. We had a 28 week abortion, by the way I was told by the Family Planning that you can't get an abortion in the State of Maine after 12 weeks, well the doctors are reporting that they're doing them, but they're not reporting everything, because you see it's a Class E crime, I believe, to abort a baby after viability, so many, by the way information given to me by the Department of Health, many of the forms have blanks. No age of gestation, no type of abortion, sometimes there's nothing at all, and you know what, three percent of the providers account for 83 percent of the blanks. Maybe word gets around who'll do it for you, I don't know, but partial birth abortion is wrong. The Supreme Court recognized that one day there would be a line that would be crossed. When a baby feels, goes from feeling 98.6 on its bottom to room temperature in a clinic and is held in the hand of a doctor who has just pulled him from the womb, flipped him over, jabbed scissors in his head and sucked his brains out, we've crossed a line. All for the lack of two or three or four inches, this child is not a citizen of the United States, it's not a baby, it's trash. That's what a partial birth abortion renders.

The bill is clear. The people of the State of Maine are abhorred at the idea that we have come this far. United States population has been supportive of a woman's right to choose, the majority of the people do support that, but when you tell them we draw forth a human being to the legal point of almost being a constitutionally protected citizen and than we kill them, I'm sorry, we've crossed a line and I think it's time we enact this ban and I'll be glad to see it tested. I'll be glad to see the court test it, see where it stands, but at least we'll be recognizing that there's a line. I urge you to vote against the Majority Ought Not to Pass Report.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. We talk a lot about children in this Chamber. We all say we care about kids. Do we? I voted for Start Me Right because I care about children, even when it's not politically convenient. We hear if this saves just one child's life or if that action puts children's lives at risk, well guess what a partial birth abortion ends a life every single time. This doesn't just put a child's life at risk, partial birth abortions ends babies lives, so I ask you to vote against the pending motion, Ought Not to Pass. Don't just use children as a political weapon, instead take a stand that we truly save children's lives. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Orono, Representative Williams.

Representative **WILLIAMS**: Mr. Speaker, Ladies and Gentlemen of the House. This is obviously a very emotional issue for many people and I'd like to interject a little bit of objectivity here. In response to the good Representative from Hampden's testimony about what is and what isn't being filled out on the abortion forms, as a member of the Health and Human Services Committee, we heard testimony from Doctor Mills about exactly what the compliance rate is on these forms as a result of looking at all the abortion forms submitted by the Bureau. Let me just run down the numbers for you, quick. The most common spaces that are not filled out in the form, the patient's marital status, her ancestry, and her level of education, clearly not vital information as it pertains to determining the stage of pregnancy. The other spaces on the form were filled out to a 99 to 100 percent compliance rate, those being, the location of the abortion, the name of the facility, the date of the abortion, the patient's residence, by state and town, previous pregnancies, previous abortions that she has had, 99 to 100 percent of the time. The type of procedure that is used is filled out 98 percent of the time. The date of the woman's last menstrual period, 95 percent of the time and the doctor's determination of gestation, 96 percent of the time. In the last year in which there is complete data, there were only three incomplete reports, in terms of the information containing either the gestational estimate, nor the date of the last menses. My point here is that that these forms are filled out at a higher compliance rate than birth certificates, or death certificates. I would suggest to you that we have the information on this and I guess as Forrest Gump would say, "That's all I'm going to say about that." Thank you, Mr. Speaker.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Turner, Representative Jacobs.

Representative **JACOBS**: Mr. Speaker, Men and Women of the House. I stand in support of the Majority Ought Not to Pass motion. This is a difficult issue for everyone. The debate is emotional and goes to the heart about how we feel about issues of life and death. It's important to hear from the people truly affected by this proposed law. I'd like to have you listen to the words of a very brave woman who came to the public hearing on this bill. She came with her husband from Camden and revealed the most personal information about her life. She did this because she truly cared about the proposed ban and its consequences. This is what she said. I had an abortion 20 weeks into a very much wanted pregnancy. The decision was agonizing. For three weeks my husband and I meditated, prayed and consulted with medical experts, family and friends and reviewed scientific research on our baby's medical condition. Our baby was diagnosed with a rare chromosomal disorder that is considered lethal. Her prognosis consisted of possible miscarriage, stillbirth, death shortly after birth, and if none of those occurred 95 percent probability of death within the first year. Her severe multiple defects were determined inoperable. The degree of surgery needed was considered futile and further endangering to her condition. If she had been born, her short time alive would have been spent in the neonatal ICU with no hope of leaving it. We were deeply worried about what pain she might be experiencing from the cystic tissue growing on her brain, and her heart and lungs being crushed by displaced organs. It felt cruel and selfish to put our baby through the remaining months of pregnancy. Had I attempted to carry her to term, I would have risked complications that could have made it difficult even impossible for me to have my first living baby.

These were horrifying circumstances to face and I am grateful that I received truthful information from my providers and was not told that the State of Maine felt better qualified than I to make such a decision for my baby and my family.

Abortions happen for many reasons, but virtually all the women I have personally known who have had one weighed all the available alternatives, consulted more than one medical professional, sort spiritual guidance and ultimately made their own difficult decisions. Please allow Maine women to continue to maintain control of their decisions affecting their reproductive health and privacy. Thank you for allowing me to tell you how this bill will affect Maine women. Thank you, ladies and gentlemen, and Mr. Speaker for listening to the words of Barbara MacBride of Camden. I hope her story reminds you to trust Maine women.

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

Representative **DAVIS**: Mr. Speaker, Men and Women of the House. I have three children, Brian, Greg and Katie. I have three grandchildren, Cheyenne, Nathaniel, Gerald and there will be grandchild along in July. I once lived in Africa and they had a saying that when things go going tough, and somebody helped you, it was your great grandfather, or great grandmother, whom they've never met and I always remembered that saying. It seems to me the most sacred thing that we can pass on to our children and grandchildren, to our children's children is life.

In the 1850s slavery was legal in the United States. There was a great statesman named William Sewall, he was a Senator and later Secretary of State, who said yes it was Constitutional that slavery was legal, but there's a higher law than any Constitution, and certainly with partial birth abortion, in my opinion, we will violate that law. So I urge you really to think about what you are voting for. This does not ban abortion. It bans partial birth abortion, a very barbaric procedure. Please think very carefully when you vote. Thank you, Mr. Speaker.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Newport, Representative Kasprzak.

Representative **KASPRZAK**: Mr. Speaker, Men and Women of the House. I would just like to respond to some of the comments that the good Representative from Turner shared with us from the woman's point of view. I would like to share something from that little child's point of view. In the last few months my husband and I have been volunteers in one of our local hospitals that has one of those neonatal ICU units. It was a new program, a pilot program, they began to bring people in to just be cuddlers, someone to hold little teeny, tiny babies, some of them born three months before they were due. They survived. They weren't taken by partial birth abortion. Some of them have deformities. Some of them have extreme brain damage. Some of them have problems they may never outgrow. Some have some that they will. We're there to hold them, to give them some human contact in their stay in the hospital. I would like to speak on their behalf. I think we ought to give them the opportunity to come into this world, whether it's to spend those few months in a neonatal unit and once in awhile to be taken out and held by someone who will love and care for them, sing to them, rock them, pray over them, whatever they see fit to do. I think they deserve that much, to come into this world and enjoy the short time that they have. I would just urge you to vote against the pending motion and remember these little ones when we take this vote.

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

Representative SHIELDS: Mr. Speaker, Ladies and Gentlemen of the House. A scientific view point. You've seen the information from many reputable medical authorities that are on record that this procedure is really not necessary in current obstetrical practices. None of my obstetrical friends that I have checked with see any reason for it. Partial birth abortion in the current practice of medicine is sacrificing a living child and is simply not justified. Abortion is reprehensible enough even in a none living child, but this is terrible. I urge you to vote against the pending motion. I think the bill clearly spells out what partial birth abortion is, clearly spells out that the living fetus is being involved. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lincoln, Representative Carr.

Representative CARR: Mr. Speaker, Men and Women of the House. I agree with some of the previous speakers that at this point in the discussion there probably won't be many people changing their mind. However, I feel obligated to stand and at least tell you why I intend to vote against the pending motion. As many of you know I served about 29 years on the State Police. During that time I saw a lot of death. I saw alot children in situations that really makes your heart feel bad.

On June 28th last year, my first grandchild was born and I keep a picture of her on my desk just to kind of remind me of when these things come up, the abortion issues and I think that each and every one of us really should take the time to look at our own children and think how easy it would be and how easy it would have been to perform the same procedure on those children. I think that most of us can relate to situations where we've been in tough times. I know that most of us have lived through tough times, at least those of us that are over 50 now, times haven't always been as good as they are now and it would have been much easier back then to have this procedure done, but we didn't. The kids grow up and they have their own children. I just wish that everybody would really search their conscience before you vote and I think that it's important that we vote our conscience.

I knew how strongly I felt about this particular procedure. I sent out a questionnaire to the people in my area and I didn't do it in any scientific method. I just mailed out to people I didn't know, some I did know, over 350 of them. I got back 38 percent of those and 81 percent of those people in my area would not support partial birth abortion. I think there's a large percentage of people out there that do not support this procedure. I would ask that you vote against the pending motion.

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

Representative COTE: Mr. Speaker, Members of the House. I wasn't intending to stand up and speak on this bill due to the fact that it disgusts me. As a young fellow at the age of 22, I myself lost a young infant and it appalls me to see this. My infant was the same thing as the living fetus. My son was premature, he weighed only 2 lbs. 13 ounces, he was just a little thing and it appalls me to get here and listen to this, that people do not want to pass this bill. There isn't a day that doesn't go by, I wish my child was here with me. It kills me to sit here and listen to this. It's tearing me up. It'll be 17 years, June 18th, that I lost him, so I stand here today to urge you to vote against the pending motion and vote Ought to Pass instead of Ought Not to Pass. We need this bill. We need to prevent any more

abortions. We need to give these living fetuses a chance to survive, to have a life for themselves. Yes, I understand sometimes it's a life situation, but you've got to stop and think that is still a living thing, that is still a baby, that is still a child, so today I urge you to vote against the pending motion. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Winslow, Representative Matthews.

Representative MATTHEWS: Mr. Speaker, Men and Women of the House. I, too, rise to ask the Body respectfully not to support the Majority Ought Not to Pass Report and I sincerely hope, and from what I've heard on the floor today the debate seems to be on the issue without personality attacks. In my years of service here in the State House, I have tried to be respectful of different opinions and I can say in the vast majority of cases that has always happened. On this issue there are differences. Democrats, Republicans, Liberals, Conservatives and I will tell you on the partial birth abortion bill I think you will find many, many people, the vast majority of Americans, the vast majority of citizens of Maine as exemplified by the referendum support stopping that procedure and they come from all parties and all persuasions. I want to share just with the Body tonight that one of the greatest accomplishments I've had and I thank God Almighty for it, as a Senator, a member of the other Body, there was a time when I was asked by a constituent of mine as all of us in here have been asked by our constituents to contact an agency for them. I knew this gentleman, this gentleman was a physician, still is a physician, actually a P.A., a physician's assistant, and they for medical reasons couldn't have children and this good friend and his wife, good people, asked me to intercede on behalf of them to a government in South America, where they were looking to adopt a child. I said I have no experience in this kind of activity or talking to another foreign government, but I would be glad to check into it and do what I can. Well the bottom line, and to make a long story short, and a very happy story. They were successful, I had an opportunity to write with our Congressional Delegation, Senators, Congressmen, Republicans and Democrats and we sent those letters to that government and they got that child. They adopted that little boy and every few months I get to see that little boy in a store and he has a very good life in the greatest, most freest country on earth. Thanks to God and I think that we need to remember that there is that opportunity for adoption out there and there are many Americans, people in Maine that have strong moral religious spiritual opposition to abortion and I am one and I know that my constituents in the Town of Winslow, with all the polling and all the surveying and going door to door feel the same way, the vast majority. They know where I stand, but I think when the day is done, ladies and gentlemen, especially on these issues, you fight the good fight, you stand up, you vote accordingly, and you shake hands with the opposition, because again my faith and many of yours, the same thing, tells me to do so, to be civil, to love one another, to stand up for what you believe in and on this issue, I am opposed to partial birth abortion. I will vote against the Majority Report so that we can enact it. I would do so if this were 2:00 A.M. in the morning, or on the 29th day of December, if we happened to be here that long, because it is a position of moral value to me and I understand that many of you feel differently on the other side and I respect you. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Rockport, Representative Powers.

Representative **POWERS**: Mr. Speaker, Men and Women of the House. I'd like to reference a little bit what this situation is we're looking at. I think we have to give a great deal of credit to the few still in pain and courageous people who have been able to come and tell us their stories. Noone, neither the woman who carried the child, nor her partner, have ever liked this procedure. It's nothing that they have wished, it's not been their preference and it's been a very, very difficult decision for them to make. As the Representative from Turner, Representative Jacobs referred to and the story is actually reproduced for you and on your desk from the *Lewiston Sun Journal*, the family in Camden was deeply pained and still grieves the decision they made. I want to remind you what is before us in this Majority Ought Not to Pass Report. In voting for this motion, we allow the people who have initiated this question to go to referendum. The question will be will we maintain the already demonstrated legal right of women to choose, if they must choose this difficult procedure. The bill as written trivializes personal family tragedies, later term abortions, while they are very rare in Maine may be a proper and right course when a woman is facing threats to her health or her life or is carrying a child that will suffer from severe and painful or fatal abnormalities. Families and their physicians, not politicians, must be permitted to make this difficult decisions that oppose by the rare and heartbreaking circumstances of wanted pregnancies but they have gone dreadfully and tragically wrong. I urge you to support the Ought Not to Pass Report and have this question go to referendum. Thank you very much.

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

Representative **O'BRIEN**: Mr. Speaker, Colleagues of the House. I agree that there are probably very few if any left in this Chamber, or in the sound of my voice, that haven't made a decision on this, but in case there's one still wavering, please listen to my words. I have evolved through this process, the abortion issue, for the past several years. It's been in a state of flux, and I've thought about it a lot, but I really decided how I really felt when fairly recently my three youngest children were in the car with me and the radio was on and the news was on and they were talking about abortion and one of them asked me, "What is abortion?" There were no other words I could say that it's killing a baby. I could think of nothing else to say. To me it is a deeply moral issue now and to me those babies, whether they are deformed, whether they will live one second, whether they will live one year, whether they will go on to live to adulthood, are human beings and they are their angels. It's not for us to take back what God has done. Thank you.

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

Representative **SNOWE-MELLO**: Mr. Speaker, Ladies and Gentlemen of the House. I stand here today to ask you please to vote against the pending motion. I, too, have a story to tell. I told this story two years ago. The lady called me up and asked me to tell it again. This lady was my constituent, now she lives in Presque Isle. This lady wrote to me two years ago, like I said, she told me that doctor's said she was nine months along and the doctors felt that her child was not going to live once he was born, so they told her about the partial birth abortion and we're talking about the partial birth abortion, not abortion, partial birth abortion, okay. When she heard about the procedure and that they were going to take this baby three inches away from her birth canal and the baby would never see the light of day, after carrying her child nine months, she said, "I can not do that, I just

cannot do that. I have to have this child." So the doctor gave her a cesarean and she had her baby. She was really thrilled that she had this baby, because it made all the difference in the world to her. She was able to see her baby. She was able to smell her baby, touch her baby and love her baby and hold her baby in her arms and yes, the baby did die, but she was able to see that baby through the nine months and complete that birth cycle. Yes, it was probably very, very painful for her. It's painful for me to talk about it. But it would have been worse if it went the other way. The lady would have been filled with guilt and remorse and would not have the temporary joy and maybe the joy that she had the rest of her life getting to know her baby, even if it was for a moment. A partial birth abortion kills an innocent life. Please remember that. It's killing an innocent life. You know we just did the death penalty a couple of days ago and you all voted against the death penalty. You wanted to protect someone who takes life and kills life, but we're talking here about an innocent child, an innocent child. Yes perhaps this child has birth defects, but are we to play God. Are we to play God by taking that life? I don't think so. Please ladies and gentlemen think so very seriously and vote against the pending motion. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Arundel, Representative Daigle.

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. I feel compelled to respond and to comment on this, to test the premise that we say that this is a big tent, that we accept many different views, because I will be voting in favor of the current motion. I feel that this boils down to a question of current law which allows these decisions to be made to protect the health or the life of a woman and I don't know how to draw that line. I don't know how to sit up here and for every woman in this state faced with a crisis, I don't know where to draw the line between where it is her health and where it is her life, so we're saying here is the state is going to figure out where to draw that line and if I don't know how to do it and a vote in favor of this current motion is to turn this over to the people in a referendum and to give them the next several months to consider this question, while those who have opinions seek to influence them so that every person who steps into the voting booth this November and ask themselves, do you know where to draw that line and if you feel you really do than you'll vote to pass this and if you feel that you can't, or don't want to and leave that to the individual and their doctor and their God, than you vote against it. That's the position here and I hope everyone is able to accommodate that individual decision and still work with each of us afterwards.

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

Representative **GERRY**: Mr. Speaker, Ladies and Gentlemen of the House. I rise to speak against the motion on the board. I don't think it is right to subject such a little one to the procedures called this late term abortion. From talking to doctors and people, the baby is not given anything, it feels everything when this procedure is being done. I don't think that is right or humane. If there was flaws in this bill, which I don't think there was, but if there was, than we as a Legislative Body have shirked our duty to send out a competing measure to correct whatever we might have thought was wrong with this bill. I don't feel that this vote is about banning partial birth abortions or just sending it out to the voters. This vote is about being responsible and saving lives. Let's be responsible as a Legislature and do

what we know and within our hearts is right and we know most people want. We should not force the people of Maine to bail out their irresponsible Legislature, so please vote against this pending motion.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Madawaska, Representative Ahearne.

Representative AHEARNE: Mr. Speaker, Ladies and Gentlemen of the House. I think it is important that I read for the record a letter sent to the State House. It's dated April 7th, 1999, Members of the Judiciary Committee, State House, Augusta, Maine 04333. Gentlepersons: I'm writing to you to ask you to take a fresh look at the partial birth abortion problem. This controversial, if not grotesque procedure is hazardous to the mother's health and future fertility. It is most often carried out in the 5th to 6th month of pregnancy. The very act of inducing premature labor and deliberately performing a breech birth is fraught with risks. First at this stage of pregnancy, your uterine wall is stretched thin and more torn. The possibilities for hemorrhaging or infection are significantly increased. The procedure of creating a breech birth runs the risk of leaving the mother with a compromised cervix, potentially leaving her infertile. It is healthier for both mother and child to continue any pregnancy to its final conclusion even if this means that the baby may predictively die. To hurry along the eventuality through partial birth abortion does not benefit the mother's health or future fertility. It is never a necessary procedure for either mother or child. Opponents of the ban on partial birth abortion claim that it is broad and sweeping restriction on abortion rights. This is untrue. This is a narrowly focused proposal that protects the health of a woman and the lives of children. Sincerely yours, C. Everett Kope, and the Kope Institute at Dartmouth, Hanover, N.H. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Danforth, Representative Gillis.

Representative GILLIS: Mr. Speaker, Men and Women of the House. The day started off with the House sharing in the grief of the family, the loss of a precious life. That was something that we did not have any control in. I ask you now to save a precious life, please vote no on this pending motion.

The SPEAKER PRO TEM: The Chair recognizes the Representative from North Berwick, Representative MacDougall.

Representative MACDOUGALL: Mr. Speaker, Men and Women of the House. The medical community has told us the partial birth abortion is never medically necessary, that's number one. Number two, the procedure itself, the doctor grabs the baby's leg with forceps, the baby's leg is pulling out the birth canal, the baby's entire body, except for the head is delivered, then scissors are jammed into the baby's skull, the scissors are then opened to enlarge the hole a suction tube is inserted and the child's brain is sucked out causing the skull to collapse. The motion before us, ladies and gentlemen, I will be opposing because myself, and all my colleagues, can certainly do better than this. A procedure that doctor's tell us are never medically necessary, a procedure that sucks out the brains of an innocent life. We can do better than that. Thank you.

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

Representative TRAHAN: Mr. Speaker, Honorable Members of the House. As I heard the testimony today of the people that have endured partial birth abortion, the pain and the agony of having to make those decisions, I couldn't help to continue to return to the same question in my mind. When we perform this

procedure, whose pain are we trying to spare. Is it the pain of the child being born, or is it our own pain of having to watch a child that may die? Do we perform this procedure to save money or to ease our agony in watching a death, slow, painful death? Every time that crossed my mind, I couldn't help but return to an incident that occurred when I was a young child. I was fishing in a river and I fell in and I struggled at first. I was fully clothed and at first I couldn't get up out of the water. I struggled to take my clothes off, my shoes and get back to the surface. I almost died that day, but I made it to the surface. Is what we are doing taking the responsibility of God. He created a life. That life struggled to be born, we take it. Plain and simple, we take that life. I believe there is probably a good chance that every one of those children that these doctors say will die, possibly will die, but I want you to ponder this in your mind. Whose pain are we trying to ease, ours or the child's? 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. 260

YEA - Bagley, Baker, Berry RL, Bolduc, Brennan, Brooks, Bruno, Bull, Colwell, Cowger, Cross, Daigle, Davidson, Dudley, Dunlap, Duplessie, Etnier, Frechette, Gagne, Gagnon, Gooley, Green, Hatch, Jabar, Jacobs, Jodrey, Kane, LaVerdiere, Lindahl, Mailhot, Marvin, Mayo, McDonough, McGlocklin, McKee, Mitchell, Muse, Nass, Norbert, O'Brien LL, O'Neil, Peavey, Pieh, Powers, Quint, Richardson E, Richardson J, Rines, Rosen, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Skoglund, Stanwood, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, True, Twomey, Usher, Volenik, Watson, Williams, Mr. Speaker.

NAY - Ahearne, Andrews, Belanger, Berry DP, Bouffard, Bowles, Bragdon, Bryant, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Cote, Davis, Desmond, Dugay, Duncan, Fisher, Foster, Gerry, Gillis, Glynn, Heidrich, Honey, Jones, Joy, Kasprzak, Kneeland, Lemoine, Lemont, Lovett, MacDougall, Mack, Madore, Martin, Matthews, McAlevey, McKenney, McNeil, Mendros, Murphy E, Murphy T, Nutting, O'Brien JA, O'Neal, Perkins, Pinkham, Plowman, Richard, Samson, Sanborn, Savage C, Sherman, Shields, Shorey, Sirois, Snowe-Mello, Stanley, Stedman, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Buck, Fuller, Goodwin, Labrecque, Perry, Povich, Tuttle.

Yes, 70; No, 74; Absent, 7; Excused, 0.

70 having voted in the affirmative and 74 voted in the negative, with 7 being absent, the Majority **Ought Not to Pass Report was NOT ACCEPTED.**

Subsequently, the Minority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-627) was READ** by the Clerk and **ADOPTED.**

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading.**

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-627)** and sent for concurrence.