

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fifth
Legislature*

OF THE

STATE OF MAINE

Volume II

May 5, 1971 to June 15, 1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Wednesday, May 19, 1971

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Carl Geores of North Leeds.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Order:

ORDERED, the House concurring, that the Clerk of the House be authorized to purchase 200 2c postage stamps for each member of the House and the Secretary of the Senate be authorized to purchase 200 2c postage stamps for each member of the Senate, for the purpose of mailing public documents at the new federal postal rates (S. P. 590)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

Reports of Committees**Ought Not to Pass**

Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act relating to the Collection of the Real Estate Transfer Tax" (S. P. 201) (L. D. 586)

In accordance with Joint Rule 17-A, was placed in the legislative files.

Leave to Withdraw**Covered by Other Legislation**

Report of the Committee on Legal Affairs on Bill "An Act relating to Voting on Charter Amendments under Municipal Home Rule Law" (S. P. 208) (L. D. 641) reporting Leave to Withdraw, as covered by other legislation.

Came from the Senate read and accepted.

In the House, the Report was read and accepted in concurrence.

Ought to Pass in New Draft

Report of the Committee on Taxation on Bill "An Act relating to Rate of Interest on Property Taxes" (S. P. 412) (L. D. 1227) reporting same in a new draft

(S. P. 584) (L. D. 1737) under same title and that it "Ought to pass"

Report of the Committee on Transportation on Bill "An Act relating to Operation of Pulpwood Trucks on Maine Highways" (S. P. 421) (L. D. 1236) reporting same in a new draft (S. P. 588) (L. D. 1740) under same title and that it "Ought to pass"

Came from the Senate with the Reports read and accepted and the New Drafts passed to be engrossed.

In the House, the Reports were read and accepted in concurrence, the New Drafts read twice and tomorrow assigned.

Ought to Pass

Report of the Committee on State Government reporting "Ought to pass" on Bill "An Act relating to Certain Emergency Powers Concerning Radiation Hazards" (S. P. 570) (L. D. 1716)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed.

In the House, the Report was read and accepted in concurrence, the Bill read twice and tomorrow assigned.

Ought to Pass with Committee Amendment

Report of the Committee on Transportation on Bill "An Act to Revise Certain Motor Vehicle Laws" (S. P. 301) (L. D. 858) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A".

In the House, the Report was read and accepted in concurrence and the Bill read twice. Committee Amendment "A" (S-175) was read by the Clerk and adopted in concurrence, and tomorrow assigned for third reading of the Bill.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act to Conform Maine's Corporation Law to

CARRIER of Westbrook
— of the House.

Came from the Senate with the Majority Report accepted and the Bill passed to be engrossed.

In the House: Reports were read.

On motion of Mr. Lund of Augusta, the Majority "Ought to pass" Report was accepted in concurrence.

The Bill was given its two several readings and tomorrow assigned.

Divided Report

Majority Report of the Committee on Labor on Bill "An Act Providing for Double Compensation for Injuries to Minors under Workmen's Compensation Law If Employment in Violation of Law" (S. P. 334) (L. D. 980) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. TANOUS of Penobscot
MARCOTTE of York
LEVINE of Kennebec
— of the Senate.
Messrs. SIMPSON of Millinocket
McTEAGUE of Brunswick
GENEST of Waterville
BUSTIN of Augusta
BEDARD of Saco

— of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Mr. KELLEY of Machias
Mrs. LINCOLN of Bethel
Messrs. GOOD of Westfield
LEE of Albion
ROLLINS of Westfield

— of the House.

Came from the Senate with the Reports and Bill indefinitely postponed.

In the House: Reports were read.

On motion of Mr. Good of Westfield, the Minority "Ought not to pass" was accepted.

Non-Concurrent Matter Tabled and Assigned

Bill "An Act relating to Forestry Cutting Practices for the Protection of Rivers, Streams and Lakes" (H. P. 682) (L. D. 919) on which the House accepted the Minority

"Ought to pass" Report of the Committee on Natural Resources and passed the Bill to be engrossed as amended by House Amendment "A" on May 13.

Came from the Senate with the Majority "Ought not to pass" Report accepted in non-concurrence.

In the House: On motion of Mr. Susi of Pittsfield, tabled pending further consideration and tomorrow assigned.

Orders

On motion of Mr. Ross of Bath, the House reconsidered its action of yesterday whereby Bill "An Act Increasing Minimum Wages," Senate Paper 16, L. D. 44, failed of passage to be enacted.

The SPEAKER: The pending question is enactment.

The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker, I now move that this bill be enacted in the House.

May I approach the rostrum?

The SPEAKER: The Chair denies the privilege of anyone except the floorleaders to approach the rostrum. Would the gentleman make his motions pursuant to the provisions of Joint Rule 54.

Mr. ROSS: They were not told to me, sir.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, may I approach the rostrum?

The SPEAKER: The gentleman may approach the rostrum. Will the Majority floorleader approach the rostrum?

(Conference at rostrum)

The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker, pursuant to the provisions of Rule 54, I move that Rule 36 be altered for the purpose of further reconsideration whereby the House receded and concurred on May 7.

The SPEAKER: Pursuant to Rule 54, this motion will be tabled for one legislative day pending consideration of this body.

On motion of Mr. Porter of Lincoln, it was

ORDERED, that Mr. HODGDON of Kittery be excused from attend-

ance for the remainder of the week because of another death in the family.

Tabled and Assigned

Mr. Starbird of Kingman Township presented the following Order and moved its passage:

ORDERED, that House Rule 21 be amended to read as follows:

21. No person not a member or officer of the House, or an **Indian representative at the Legislature**, except members of the Senate, its secretary and assistants, the Governor and Council, heads of State departments and bureaus, Justices of the Supreme Judicial Court, Chaplains of the Senate and reporters of the proceedings and debates of the House, shall be admitted within the Representatives' hall, unless invited by some member of the House. While the House is in session only members and officers of the House, **Indian representatives at the Legislature** and officers of the Senate on official business shall be admitted inside the rail, except members of the press, who shall occupy places at the press table, and except guests bearing cards issued by the Speaker.

(On motion of the same gentleman, tabled pending passage under the rules and tomorrow assigned.)

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Bailey.

Mr. BAILEY: Mr. Speaker, I would inquire if L. D. 18 is in possession of the House.

The SPEAKER: The Chair would answer in the affirmative. Bill "An Act relating to Age Limit for Motor Vehicle Operator Licenses," Senate Paper 4, L. D. 18, on which the House adhered to its former action yesterday after having accepted the unable to agree Conference Report in non-concurrence.

Mr. BAILEY: I now move that we reconsider our action whereby the Committee of Conference Report was accepted and the House adhered, and would speak on my motion.

The SPEAKER: The gentleman from Woolwich, Mr. Bailey, moves that the House reconsider its action of yesterday whereby it ad-

hered. The gentleman may proceed.

Mr. BAILEY: Mr. Speaker and Members of the House: L. D. 18 as amended by Committee Amendment "A" provides for a person of 16 years of age to obtain a driver's license after passing a driver's training course and keep the present age of 18 for license without driver training. By reconsidering our action we would provide an opportunity for a Committee of Conference to discuss this bill and present their recommendations to both branches.

The SPEAKER: The Chair recognizes the gentleman from Alton, Mr. Barnes.

Mr. BARNES: Mr. Speaker, Members of the House: I support the motion for reconsideration in order to give this bill fair consideration by a new Committee of Conference. With safety on our highways foremost in our minds this is another step toward greater safety by having older and more responsible drivers. This bill is supported by driver training instructors, Highway Safety Committee and the Secretary of State.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: I oppose the motion to reconsider because I don't believe anything can be considered except lost time. This bill has had fair consideration, it has had a Committee of Conference that couldn't agree, and I don't believe that the next one can agree either. And for that reason I hope we do not reconsider in the sake of time.

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

Mr. GAGNON: Mr. Speaker and Ladies and Gentlemen of the House: On this particular bill I hadn't noticed the thing until it came up for this reconsideration. I think this is worth reconsidering in the Committee of Conference. I don't feel that 15 is a good age to put this much responsibility on these children. I have always felt that it should possibly even go to 18 — that is strictly my own opinion.

Another committee was requested from the Committee of Conference and I think this is the least we can do for a measure which involves our youngsters such as this does. I would hope that you would go along with the recommendation for a second Committee of Conference on this.

The SPEAKER: The Chair recognizes the gentleman from Van Buren, Mr. Lebel.

Mr. LEBEL: Mr. Speaker and Ladies and Gentlemen of the House: I voted against the bill in the committee because the best reason they could tell us was that they wanted to go along as New Hampshire, because they have it at 16 in New Hampshire and here we have it at 15; and they would like to be the same as New Hampshire. So I oppose the bill. I hope that we don't reconsider.

The SPEAKER: The Chair recognizes the gentleman from Albion, Mr. Lee.

Mr. LEE: Mr. Speaker and Members of the House: I think that a remark by my good friend from Van Buren is a little bit misleading. This was one of the things, but one of the other things was in the bill itself. It will allow the children to take their Drivers' Education while they are 15 and drive under the permit, but they couldn't get their driver's license until the age of 16.

Now this didn't make too much difference in the particular area. There was some opposition, and rightfully so, because there were people in the farming community that probably thought that their children — and rightfully so probably. But the accident reports were almost three times as much in the 15 year old driving under their driver's license than it was under the 16 to 19 year olds which seemed to be very stable.

I was in favor of it, and I would be in favor of reconsidering.

The SPEAKER: The pending question is on the motion of the gentleman from Woolwich, Mr. Bailey, that the House reconsider its action of yesterday whereby it adhered. The Chair will order a vote. If you are in favor of reconsideration you will vote yes;

if you are opposed you will vote no.

A vote of the House was taken. 83 having voted in the affirmative and 47 having voted in the negative, the motion to reconsider did prevail.

The SPEAKER: The pending question is to adhere. All in favor of adhering will vote yes; those opposed will vote no.

A vote of the House was taken. 73 voted in the affirmative and 54 voted in the negative.

Whereupon, Mr. Curtis of Bowdoinham requested a roll call vote.

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker, a parliamentary inquiry, please.

The SPEAKER: The gentleman may pose it.

Mr. DONAGHY: Does adhering now put us back where we were before, before we —

The SPEAKER: The answer is in the affirmative. If you vote to adhere it places us in the same position that we were before we reconsidered.

Mr. DONAGHY: So if we want to make a change we have to vote no.

The SPEAKER: The answer is in the affirmative.

Mr. DONAGHY: Thank you.

The SPEAKER: The yeas and nays have been ordered. All in favor of adhering will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Berry, G. W.; Berube, Binnette, Bourgoin, Bragdon, Bustin, Carey, Carter, Clemente, Dam, Dow, Doyle, Dudley, Hancock, Kelley, P. S.; Keyte, Lebel, Lizotte, Lucas, Lund, Lynch, McCloskey, McNally, Murray, Rand,

Shute, Slane, Smith, D. M.; Tanquay, Wheeler, Williams.

NAYS — Albert Ault, Bailey, Baker, Barnes, Bartlett, Bedard, Bernier, Berry, P. P.; Birt, Bither, Boudreau, Brawn, Brown, Bunker, Call, Carrier, Churchill, Clark, Collins, Conley, Cooney, Cote, Cottrell, Cummings, Curran, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Donaghy, Drigotas, Emery, D. F.; Evans, Farrington, Faucher, Fecteau, Finemore, Fraser, Gagnon, Gauthier, Genest, Gill, Good, Goodwin, Hall, Hanson, Hardy, Haskell Hawkens, Hayes, Henley, Herrick, Hewes, Immonen, Jalbert, Kelleher, Kelley, K. F.; Kelley, R. P.; Kilroy, Lawry, Lee, Lessard, Lewin, Lewis, Lincoln, Littlefield, MacLeod, Maddox, Manchester, Marsh, Marstaller, Martin, McCormick, McKinnon, McTeague, Millett, Mills, Morrell, Mosher, Norris, O'Brien, Orestis, Page, Parks, Payson, Pontbriand, Porter, Pratt, Rollins, Ross, Scott, Shaw, Silverman, Simpson, L. E.; Simpson, T. R.; Smith, E. H.; Starbird, Stillings, Susi, Theriault, Trask, Tyndale, Vincent, Webber, White, Whitson, Wight, Wood, M. W.; Wood, M. E.; Woodbury.

ABSENT — Crosby, Dyar, Emery, E. M.; Hodgdon, Jutras, Mahany, Rocheleau, Santoro, Sheltra.

Yes, 31; No, 110; Absent, 9.

The **SPEAKER**: Thirty-one having voted in the affirmative, one hundred ten in the negative, with nine being absent, the motion to adhere does not prevail.

The Chair understands that the gentleman from Woolwich, Mr. Bailey moves that the House further insist and join in a second Committee of Conference.

House Reports of Committees Ought Not to Pass

Mr. Bragdon from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act relating to Salary Increases for Certain State Liquor Store Employees" (H. P. 929) (L. D. 1283)

Mr. Shaw from same Committee reported same on Bill "An Act Appropriating Funds for the Subsidy of Interest Rates on Loans Obtained for the Purpose of Re-

habilitation Child Day Care Facilities" (H. P. 1137) (L. D. 1566)

Mr. Scott from the Committee on Business Legislation reported same on Bill "An Act Revising the Laws Relating to Savings and Loan Associations" (H. P. 1015) (L. D. 1394)

Same gentleman from same Committee reported same on Bill "An Act relating to Commercial Rates for Political Broadcasting and Advertising" (H. P. 1225) (L. D. 1660)

Mr. Norris from the Committee on Legal Affairs reported same on Resolve to Reimburse Town of Fort Kent for Certain Judgment Against the Town (H. P. 1169) (L. D. 1623)

In accordance with Joint Rule 17-A, were placed in the legislative files and sent to the Senate.

Leave to Withdraw Covered by Other Legislation

Mr. Berry from the Committee on Agriculture on Bill "An Act Prohibiting Humane Agents from Quarantine of Dog Kennels" (H. P. 396) (L. D. 582) reported Leave to Withdraw, as covered by other legislation.

Mr. Mosher from same Committee reported same on Bill "An Act relating to Commercial Kennels, Boarding Kennels and Pet Shops" (H. P. 954) (L. D. 1315)

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Drafts Printed

Mr. Albert from the Committee on Agriculture on Bill "An Act Revising the Maine Potato Tax Law" (H. P. 1048) (L. D. 1436) reported same in a new draft (H. P. 1335) (L. D. 1751) under same title and that it "Ought to pass"

Mr. Evans from same Committee on Bill "An Act relating to Sale of Pet Animals from Kennels and Pet Shops" (H. P. 394) (L. D. 580) reported same in a new draft (H. P. 1336) (L. D. 1752) under title of "An Act relating to Boarding Kennels or Pet Shops" and that it "Ought to pass"

Reports were read and accepted, the New Drafts read twice and tomorrow assigned.

**Ought to Pass
Printed Bills**

Mr. Hall from the Committee on Agriculture reported "Ought to pass" on Bill "An Act Revising the Provisions of the Maine Meat Inspection Act Relating to Custom Slaughtering Operations" (H. P. 868) (L. D. 1189)

Mr. Carey from the Committee on Appropriations and Financial Affairs reported same on Bill "An Act Appropriating Funds for Staffing and Operation of the Residential Facility for Mentally Retarded Children in Aroostook County" (H. P. 636) (L. D. 866)

Mr. Pratt from the Committee on Business Legislation reported same on Bill "An Act to Create a Commission to Prepare a Revision of the Insurance Laws Relating to Delinquent Insurers" (H. P. 1228) (L. D. 1497)

Mr. Scott from same Committee reported same on Bill "An Act relating to Tax Sheltered Annuities" (H. P. 699) (L. D. 942)

Mr. Lynch from the Committee on Education reported same on Bill "An Act Increasing Indebtedness of Ellsworth School District" (H. P. 1316) (L. D. 1731)

Mr. Cote from the Committee on Legal Affairs reported same on Bill "An Act relating to Compensation to Municipal Tree Wardens" (H. P. 1166) (L. D. 1620)

Mrs. Kilroy from the Committee on Natural Resources reported same on Bill "An Act Regulating the Application of Pesticides in Water" (H. P. 1126) (L. D. 1544)

Reports were read and accepted, the Bills read twice and tomorrow assigned.

**Ought to Pass with
Committee Amendment**

Mr. Gill from the Committee on Appropriations and Financial Affairs on Bill "An Act relating to Funeral Expenses of Recipients of Public Assistance" (H. P. 1012) (L. D. 1391) reported "Ought to pass" as amended by Committee Amendment "A" (H-292) submitted therewith.

Mrs. Wheeler from the Committee on Judiciary on Bill "An Act Revising the Uniform Reciprocal Enforcement of Support Act" (H. P. 1154) (L. D. 1611) reported

"Ought to pass" as amended by Committee Amendment "A" (H-293) submitted therewith.

Reports were read and accepted and the Bills read twice. Committee Amendment "A" to each was read by the Clerk and adopted, and tomorrow assigned for third reading of the Bills.

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought not to pass" on Bill "An Act Repealing Authorization to Savings Banks to Engage in Real Estate Developments" (H. P. 698) (L. D. 941)

Report was signed by the following members:

Mr. SCHULTEN of Sagadahoc
— of the Senate.

Messrs. MCKINNON
of South Portland
O'BRIEN of Portland
ROCHELEAU of Auburn
MADDOX of Vinalhaven
LITTLEFIELD

of North Berwick
TRASK of Milo
SCOTT of Wilton
PRATT of Parsonsfield
CLARK of Jefferson

— of the House.

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

Report was signed by the following members:

Mr. DANTON of York
— of the Senate.

Mr. SHELTRA of Biddeford
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Wilton, Mr. Scott.

Mr. SCOTT: Mr. Speaker, I move the acceptance of the Majority "Ought not to pass" Report.

The SPEAKER: The gentleman from Wilton, Mr. Scott moves that the House accept the Majority "Ought not to pass" Report.

The Chair recognizes the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: I rise to oppose the motion of Mr. Scott. I would like to bring you up to date a little bit on this particular bill and the reason why it is here.

In the 104th Legislature the savings banks, namely one savings bank, in the State of Maine—Maine Savings from Portland, asked to have equity ownership and property and be able to get into the development business within the State of Maine. Through a compromise between the savings banks and the home builders and real estate people in the State of Maine, they were allowed to go into low income housing only.

Then in this session of the Legislature a bill has been introduced, under another title and another L. D., which would allow them once again to go into equity ownership in all phases of real estate development — commercial development, home building and so forth. This particular bill would take them completely out of the business of home development at all angles as well as commercial development.

It is the feeling of the home builders and the feeling of the real estate people in the State of Maine that there is definitely a conflict of interest here when a bank starts to put a depositor's money into equity ownership and go into a business as such. It is my feeling also that these same savings banks, and namely this one bank, does not wish to develop into other areas that other commercial banks get involved in, and their argument in opposition to this is the fact that they have a right and have the obligation to protect the depositors' interests.

Therefore this particular bill, I feel, they should not support or should not want — I will take that back, they should not want to get into equity ownership because of the same reason, that they do have the right and the obligation to protect their depositors' money and stay within the banking profession.

I would close by only saying one thing, that the bank in question has formed a subsidiary corporation within the bank to go into this particular business. It is my understanding that the Attorney General's office, anyway, has issued a ruling that within their charter they do not have this right; and I would also question it on these grounds.

Ladies and gentlemen, I hope that you turn down the "Ought not to pass" Report and we accept the "Ought to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Wilton, Mr. Scott.

Mr. SCOTT: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Standish, Mr. Simpson, has covered this very well. The last session did pass a law that would permit savings banks to engage or participate in low income housing. The Maine Savings Bank has gone along and participated in this housing and the real estate people and the builders in the Portland area are very much opposed to it. This is why this legislation is before you, removing this provision of the law that was enacted last session.

The other bill that Mr. Simpson referred to will be coming before you in a day or two, that would allow the banks to engage in commercial housing. I doubt if it comes out that way. I think substantially things will remain as they are now. There is a need for this type of housing. The Bank Department is very much in favor of this, and I urge you to support the Majority "Ought not to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I concur this morning with Mr. Simpson entirely. This is a question of a bank investing the funds of the depositors in a highly speculative business. So I would hope that you would go against the "Ought not to pass" Report and accept the "Ought to pass" Report on this legislation.

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

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: I support the motion of Mr. Scott to accept the "Ought not to pass" Report. It has been here in the last few weeks that we have passed a few bills which didn't please me too much but which I think will create more housing shortage. And along this line here, the bank is

very able and capable of providing houses.

Now in Portland it has been mentioned that the Maine Savings Bank is in this process, but I wish to quote to you that not only the Maine Savings Bank is under this new law, everybody is investing all over the state. The Maine Savings Bank, for your knowledge, is in the process of building a sixteen-unit outfit up on Mountfort Street in Portland. Now if you feel that this is necessary to provide new housing, which I think we need very badly, I think that you should support the "Ought not to pass" Report.

As far as investing the money on a speculative basis, this is ridiculous, because when they put their money into a house mortgage, whether it is built or to be built, the thing is, it is still speculative. And nobody questions if they do give a conventional loan with no guarantee whatsoever on regular housing. I submit to you that we do need housing and to accept the "Ought not to pass" Report.

The SPEAKER: The Chair will order a vote. All in favor of the motion of the gentleman from Wilton, Mr. Scott, that the House accept the Majority "Ought not to pass" Report will vote yes; those opposed will vote no.

A vote of the House was taken.

98 having voted in the affirmative and 30 having voted in the negative, the motion did prevail.

Sent up for concurrence.

The Chair laid before the House the following matter which was made a Special Order of the Day for 10:00 a.m.:

Majority Report (10) "Ought not to pass" — Minority Report (3) "Ought to pass" — Committee on Judiciary on Bill "An Act relating to Termination of Human Pregnancy by Medical Decision" (H. P. 1024) (L. D. 1406)

Pending question — Acceptance of either Report.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker, I move the acceptance of the Majority "Ought not to pass" Report.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I come to this body today with a feeling that would be considered part laden with some emotion. Going back on this measure, over the number of years, it has always been to me, to say the least, somewhat repulsive.

The issue before this Committee and this Legislature has been described both as an extremely political issue and as a religious issue. It is neither.

What then is the issue? It is a moral issue. Whether this Legislature, being presented with the undeniable biological fact that an individual human life begins at the moment of conception, will legislate to allow the destruction of that life in circumstances other than when necessary to preserve the mother's life.

Restated, the issue, and the only issue, for this Legislature is: Whether and under what conditions it will authorize doctors and mothers to abort the continued development of human life.

I cannot stress this point too strongly. No matter how it is presented to you, whether by opponents or proponents, the issue is just that simple and anyone who describes it otherwise does you a disservice.

If then this is the issue, what are the considerations which this Legislature should weigh in its resolution?

First, it must accept the undisputed biological fact that human life begins at conception.

The second consideration is the international code of medical ethics which states that a physician will maintain the utmost respect for human life from the time of its conception.

The third consideration is legal. The conflict which concerns our courts and legislatures in this area is:

A matter of contest between conflicting views regarding the importance of mere existence in relation to a high quality and excellence of existence. In other words, proponents of abolition or

'liberalization' have tended to stress the quality of life after birth rather than the mere existence of life, while their opponents have argued for the transcendence of any life, born or unborn, over the health or happiness of an older or more powerful life.

And this is where the line is drawn. For the proponents of this legislation say to you that the continued existence of life after conception is a matter of personal decision between a woman and a competent physician and that the purpose of this legislation is to allow termination of human pregnancies by agreement between the mother, a duly licensed medical or osteopathic physician, and a Medical Board of two concurring physicians.

It is clear that this legislation would put this Legislature on the side of inequality. For under this legislation a child who might have a permanent physical deformity or a child who might be mentally retarded, no matter how slight that mental retardation might be, or a child that is just not wanted, is a second class citizen whose life may be terminated before birth and without the safeguards which are afforded to the other more privileged of his peers. For, say the proponents of this legislation, the mother's interests are superior to that of the child she has conceived and she and her doctor together may terminate that child's life.

That is the issue.

The root question remains whether this Legislature will authorize the taking of human life under the circumstances set forth in this proposed legislation.

I cannot believe that it will do so.

In those states and countries where liberalization has been legislatively favored, sober second thoughts are the order of the day. Abortion should not, must not, become a substitute for contraception.

Several — hundreds of hospitals throughout this land, who have taken in abortion problems, have since refused to do so. In my humble opinion, any state that has such a law, in such a manner

as is presented before us, can be rightfully called a state of an abortion mill. I hope that you will join me in wanting no part of that.

No responsible person can deny the problems which beset our society today; no responsible person can conscientiously withdraw from involvement in attempts to find solutions to those problems. But the responsible persons will not turn to increased permissiveness and the allowing of unlimited license, even under the guise of freedom of choice, as a solution to those problems.

This society and this Legislature should turn to education and Socio-economic programs and to the provision of abundant resources for those members of our society who so desperately need them.

We should not look to the past but to the present and the future.

Were science definitively to tell me that the subject of our discussion today is mere "protoplasm", "tissue" or other non-human organism, I would not be here today in opposition to liberalization of the abortion laws. But precisely, because science does tell us that human life begins at conception and that this "thing" is a living human being from that moment, I cannot refuse to become involved.

Let this Legislature reject them. Any other course by this Legislature is an endorsement of a principle completely contrary to the underlying bases of the Constitution of this land. For if any of these bills are adopted, this Legislature is saying to its citizenry that all men are not created equal and that all men do not have an unalienable right to life, liberty and the pursuit of happiness.

Let this Legislature be counted among those others which have rejected this kind of legislation.

Let this Legislature refuse to sanction the unjustified taking of human life.

We have had before us two bills which were killed last Friday and I certainly would be remiss if I did not thank the House that unannouncedly agreed to table this measure until ten o'clock time certain this morning. I would particularly

be thankful to my friend from Bath, Mr. Ross.

Two of the measures have been turned out of the committee "ought not to pass." The other measures, one that has been moved "ought not to pass" by the good gentleman from Cape Elizabeth, Mr. Hewes, is a measure that would involve itself into the so-called 1406 bill. This has been returned out of committee with a ten "ought not to pass" report.

Another measure is L. D. 1736, which is An Act relating to Termination of Human Pregnancy by Medical Decision. Now it is my opinion that this is as bad a bill, with due respect to the people who signed the report and to the authors of it, as 1466.

Section B of 1736 reads—"Not more than 20 weeks of gestation have passed, except in the case of a termination pursuant to saving of the mother's life or where the fetus is dead." Where the fetus is dead.

Now I have talked to several knowledgeable people in the field of not emotion, not necessarily just morals, but in the medical field. And how in heaven's name can you put words like that into a bill? How do you abort a dead fetus? A dead fetus will take its natural course. A dead fetus will create a very serious at times problem of bleeding, and that naturally is taken care of in other medical methods.

Another section of the bill, E, says about the mother, "or is mentally incompetent." Is a pregnant woman who might be permanently or temporarily mentally incompetent about to give birth to a child who will also be mentally incompetent? I don't think I have to ask you the reason for that answer.

Several points have been made and were made at the hearing by one of the sponsors of the bill, stating at the very outset of the presentation, that the bill was a religious issue. Let me read to you a prepared presentation by the proponents of the measure—and I was privileged to be the one chosen to head the presentation.

Rabbi Berent—Jewish Moral Aspects on Abortion was his subject.

He did not speak about Judaism. His subject was Moral Aspects on Abortion. Dr. Ronald J. Carroll, M. D.—he spoke on The Bio-Genetic Development of Human Life. Dr. Edward J. Hughes, M. D.—speaking on the Modern Developments in Fetology and Embryology. Miss Jan Benson, registered nurse—speaking on International Nursing Experience. Dr. Lionel Tardiff, M. D.—speaking on the Medical Analysis of Abortion Statistics. Reverend Leslie A. Dunn—speaking on The Beginning of Life According to Scripture. Miss Mary Wortherly—speaking on Euthanasia and the Elderly. Father Clement D. Thibodeau—The Right to Life of the Unborn Child and Alternatives to Preserve that Life. Mrs. Joseph G. Grondin—speaking on A Family Experience with a Retarded and Deformed Child. Mrs. Georgia Greeley—Abortion and Professional Nursing. Reverend Clyde Bailey—American Constitutional Tradition of Alienable and Inalienable Rights. Reverend George J. Venetos—speaking on The Greek Orthodox Position. Sister Mary George O'Toole—Sociological Perspective. And Attorney Ralph I. Lancaster, Jr., Esq.—Abortion and the Law.

Since the two bills have come out, the first two bills that have been killed, and since the two bills have been reported out—one with a ten "ought not to pass" report, headed by the House Chairman of the Judiciary Committee, and the other measure signed by three people, I have been contacted by several people in the profession of medicine, and they could hardly see how they could conceivably accept this measure.

We know how our good friend—at least my good friend Senator Muskie feels about this bill, in his program on television a few weeks ago. It is also common knowledge—and I have a report here of a newspaper dated April 23, 1971, of President Nixon's stand against—unalterably opposed to abortion legislation, for anyone to read.

The amendments that would be considered would be considered along the line that any woman

requesting an abortion in the State of Maine shall have resided in Maine for a period of at least 30 days prior to such a request. The purpose of this amendment is to provide for a residency requirement of at least 30 days in Maine for a woman who requires an abortion.

Because I am probably not in the proper mood or style to quote quite strongly upon this amendment, I will just let it go by making the statement that you would not have to be a summa cum laude from any degree or from any college or institution in the country, to get under this one.

The other amendment that would be proposed would be an amendment that would be presented, that would put this before the people in referendum. It is presented, strangely enough, by my very dear friend and colleague from Bath, Mr. Ross. And if the record would indicate properly and if my hearing has been proper over the last few semesters, I have seen and heard the gentleman from Bath, Mr. Ross's voice, speaking against allowing amendments to go to the people insofar as constitutional amendments are concerned, but I have also heard him speak and vote against constitutional amendments to go to the people. This is the only way this Legislature can ever have any part of anything within the Constitution to go before the people. And if we would then, for purposes of delaying, go along with the 90-day amendment, and for the purposes of having a referendum on such a measure, it would be my suggestion that we could very easily cut down our programs here from the area of July 15 to around August 1, to about February the 15th by putting on the cloture, planning our hearings, and put everything out to the people for referendum. Because I have explained what the amendments are, because I see no point in them, because I see no reason why this bill should be delayed any longer, I will now move, Mr. Speaker, that both measures, both bills, and all accompanying papers, will be indefinitely post-

poned. And when the vote is taken I ask for the yeas and nays.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert now moves the indefinite postponement of all Reports and Bill.

The Chair recognizes the gentleman from Bangor, Mrs. Doyle.

Mrs. DOYLE: Mr. Speaker, Ladies and Gentleman of the House: I rise to oppose the motion of the gentleman from Lewiston, Mr. Jalbert. There are few people who do not have strong emotional feelings about the subject of abortion. Unfortunately it will continue to be an emotion-charged issue as it is debated in legislative bodies throughout the world. This is unfortunate because we are not here to legislate emotions, but rather to deal with factual matters. There are three major elements which enter into the argument for repeal or reform of antiquated abortion laws.

1. The freedom of each woman to rule out certain times and circumstances for her own motherhood.

2. The freedom of the state from domination by religious dogma, in accordance with the constitutionally required separation of Church and State, and

3. The freedom of individuals from socially imposed hazards to health.

Many politicians are afraid to take a positive stand on the issue of abortion reform because they fear damage to their political careers. This is sheer hypocrisy. Are we not here to represent our constituents honestly?

An article in the Kennebec Journal, February 16, 1971, stated "that some . . . legislators are willing to prostitute themselves on this issue to assure their return. . . at the next election."

In regard to the separation of church and state, Father Robert F. Drinan, S. J., Congressman from Massachusetts, writing in the April 17, 1970 issue of Commonwealth stated that the government should simply "withdraw from the area of protecting the first twelve to twenty weeks of non-viable fetal life." He also said that "one wonders if Catholic . . . spokesmen will continue to assume that they

can make up the minds of Catholic legislators on the abortion question just as the Bishops of Massachusetts in 1948 'told' Catholic legislators not to repeal the Anti-birth Control Law. . . ." How many responsible clergymen or citizens are there today who are so shortsighted as to oppose sensible family planning?

Vatican II's declaration on religious freedom states that "In spreading religious faith and in introducing religious practices, everyone ought . . . to refrain from any manner which might seem to carry a hint of coercion or a kind of persuasion that would be dishonorable. . . ." Father Drinan asks, "Can Catholic spokesmen be open to the accusation that they are acting in the abortion controversy in a way which clearly 'might seem to carry a hint of coercion'?" Can this honorable body be so coerced?

Father John Reedy, C. S. C., in the November issue of A. D. Correspondence of the Notre Dame Press wrote, "The fact is that no one really knows when a person becomes a person . . . beyond the general judgment that a person exists when human life can be maintained outside the womb. . . the religious simplists who reduce all efforts at liberalized abortion laws to 'anti-life propaganda' do a disservice to us all." He concludes, "I believe that a Catholic, after serious examination of facts, theology and his own conscience, could responsibly support. . . liberalization in abortion laws."

To those who do not believe that there is a need for abortion reform in Maine, a few facts are in order in addition to the fact that the present statute is vague, unworkable, and unenforceable. At the 20th Annual Epidemiology Intelligence Service Conference last month, statistics were presented which had been compiled from the experience in New York in the last six months of 1970. It was found that of the 45,000 abortions performed in New York in that period, 55 percent were performed on out-of-state patients. Of this group, 339 women were residents of Maine. Thus, for every 1,000 live births in Maine, there were 38 Maine

women aborted in New York. The number of abortions per 1,000 live births is called the abortion ratio, and the State of Maine is well within the top half of all states, despite that fact that no abortions done in Maine were reported, which isn't to say that abortions are not being done in this state daily. It was further found that the incidence of complications and deaths following abortion was higher for out-of-state residents than for residents of New York. We can therefore conclude that Maine women are being placed in jeopardy by being forced to travel to New York, as well as having considerable extra expense. It is safer for women to receive abortions in their home states if at all possible. Undoubtedly poorer women are not receiving safe legal abortions to the extent that middle class women are, and are therefore discriminated against. These facts give us concrete proof that many Maine women elect to have abortions.

The health consequences of not performing requested abortions under favorable medical circumstances are so great that we must consider abortion a significant public health problem. Maternal deaths and physical and psychological trauma are all too often the result of illegal, unsanitary abortions. The unwanted child is often the battered or psychologically disabled child.

On the other hand, abortion performed by qualified practitioners under proper circumstances, up to and including 20 weeks of gestation, is one of the safest medical procedures known today and is endorsed by The American College of Obstetrics and Gynecology. It is interesting to note that at a public hearing on L. D. 1406, no qualified obstetricians spoke against the bill, although at least two spoke for it and many others sent letters of support to the committee.

When most of the original American abortion laws were enacted, medical science was in its infancy. There were no antibiotics, anesthetics, or blood transfusions. The Rh factor, complications of rubella, and psychological problems were poorly understood, if at all. Abortion was associated with the same risk — 50 percent — to ma-

life as were caesarean sections. Therefore the laws, "except to preserve the life of the mother," were intelligent and pertinent 150 years ago. However, today with the advance of scientific knowledge, abortion procedures are being done with an incidence of only three maternal deaths per 100,000 abortions as compared to at least 20 maternal deaths per 100,000 full-term deliveries, or 14 deaths per 100,000 tonsillectomies.

The procedures used to perform abortions include: D & C (dilation and curettage) — which consists of dilating the cervix to allow the insertion of metal curettes for scraping the lining of the womb; vacuum curettage, which employs a quarter-inch catheter inserted into the cervix with local anesthesia, if necessary, and connected to a vacuum aspirator which evacuates the placenta by suction rather than scraping, and saline induction, which is the injection of a salt solution directly into the uterus, thereby creating a spontaneous miscarriage.

Vacuum curettage and D & C can be safely used during the first 12 weeks of pregnancy. During the next four weeks, that is from the 12th through the 16th week, most doctors will not do abortions at all, since the uterus is particularly soft and boggy at that period, and there is a danger of hemorrhage or perforation of the uterus. The saline injection procedure may be safely used during the 16 to 20 week period.

It has been established that the typical abortion patient is less than 12 weeks pregnant, proving that most women choosing abortions do so early. However, some pregnancies are not diagnosed until nearly three months have elapsed, and some complications which might lead a woman to seek abortion are not apparent until even later. To obtain an abortion under these circumstances, it is medically safer for the woman to wait until after the 16th week to have the saline procedure performed. It is not medically possible to have a viable or living fetus delivered at 20 weeks of gestation or less!

Many state-wide organizations, representing thousands of voters,

have endorsed abortion reform. Some of these are: The Maine Chapters of: The American Association of University Women and The National Association of Social Workers, also The State Biologists Association, The Citizens Advisory Committee on the Status of Women, The Natural Resources Council of Maine, and The Governor's Task Force on Youth, among many others. You may be sure that the members of these groups will be watching the action of this body on this vital issue as closely as religious groups will be.

Abortion reform in Maine has also been editorially supported by all our major newspapers. In response to one such editorial, a constituent of mine wrote, "Debate on abortion legislation looks to the proposition that pregnancy is payment for sinning. The amount of the debt, and to whom it is owed, is still not clear to me, nor, I suspect, is it to those who so state."

I respectfully ask this Legislature to consider the opinions of the supportive organizations and newspapers. Do they not better represent the "Voice of the People" than a rash of lobbying letters written under dictatorial instruction, with no real thought given to the issue? Maine women demand freedom of choice in this matter.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Inference is made that those of us who support this legislation are not really people with a true religious conscience, but even condone murder. In my opinion, these assumptions are entirely wrong.

I doubt if any of the members in these chambers has done more work for their church than I have for mine. The only difference is, I happen to be an Episcopalian. At our National General Conventions we have supported resolutions to encourage states to change their strict and outmoded abortion laws. Each of you has received a letter from the Episcopal Bishop of Maine verifying this action.

As for murder — let's look at the true definition of this word. It is "any act which takes the

life of a human being with malice aforethought." Certainly a therapeutic abortion does not fit into this category. A fetus may contain genetic qualities and biochemical properties to enable it to eventually become a living baby. However, I contend that a fetus is not of itself a human being.

As far as malice aforethought goes, just the opposite is the case. Under Section 51, Paragraph D, it specifically states that a qualified committee of physicians must concur in writing that the termination of the pregnancy is in the best interest of the patient's welfare. There certainly is no malice in this contention.

Our entire proposal is not a hastily drawn, wide open law, as found in several states today. It is therapeutic by definition with specific limitations, which if not followed would lead to a fine, imprisonment, or both. It specifically states that no person be required to participate in the procedure, and any hospital can legally refuse to take such cases. In other words, we respect the beliefs of our opponents and only feel that they should be considerate enough to allow the other segments of our society to act in a manner in which they sincerely believe.

Basically, as our law now stands in Maine, we are discriminating against the poor. With the situation as it is in New York, any person of means can fly down there in the afternoon for a safe and legal abortion the next morning and come back that same day. Nevertheless, the unfortunate woman who cannot afford to do this must carry the fetus to term, even though it may be proven beforehand that the child will be born seriously deformed or mentally retarded. She must bear the child even at the risk of her physical and mental health. This often results in tragedy both for the mother and child.

For those who contend we are destroying a life if we liberalize our abortion laws, I have only one answer. If we do not pass action such as this, we will indeed be doing the same thing — not to the embryo but to a mature woman. If we do not let a sincere

adult circumvent unwarranted misery and heartbreak, we will often be forcing her into living the rest of her life in despair from which she has no hope of escape.

The gentleman from Lewiston, Mr. Jalbert, mentioned the opponents at the public hearing and their profession. But he failed to mention the proponents by profession. Also at that public hearing were doctors, ministers, nurses and so forth. The Maine Medical Association polled its members and the vote was overwhelmingly in favor of a sensible abortion reform.

Since this bill comes up year after year, and since it is such important legislation, and since it generates so much interest both for and against — in my opinion it generates much more interest than constitutional amendments that Mr. Jalbert mentioned — I sincerely believe that all of the people of the State of Maine should have a chance to express their wishes on this issue in the privacy of a voting booth. So in the spirit of fairness I have prepared a referendum amendment under filing number 286, which, of course, I can only offer if the bill is accepted in third reader.

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

Mr. SANTORO: Mr. Speaker, Ladies and Gentlemen of the House: Today I came here not to endorse the abortion bill, not to kill the abortion bill. I came not to praise Caesar; I came not to kill Caesar. I am here only, as a medical doctor and a legislator, to present to you biological facts about birth, about the beginning of life. I am somewhat impressed by the lack of objectivity in the pro's and con's discussion of this subject. Persons on both sides of the issue seem not to know or ignore the accurate, scientific, medical knowledge bearing on this issue.

It appears certain that some change in Maine's abortion law perhaps in the future might be inevitable, but not at this time. It seems to me that to remain valid, a law must first recognize existing knowledge. Once having achieved that, a law will be judged

moral, immoral, ethical, or unethical, depending upon an individual's views. No group in society should expect to have its moral views or teachings enacted into civil law conversely, and no civil law in a just society should ignore a gloss over factual, scientific knowledge to satisfy public opinion. It does so with a significant, long-range peril.

Here today I am going to bring up a few biological facts in relation to human birth.

1. Biologically speaking, an individual human life begins when a sperm restores the full genetic complement to an ovum at fertilization.

2. The fertilized ovum contains all the genetic information and biochemical machinery enabling it to go on to become a complete human being.

3. The fertilized ovum, and later on the fetus and infant, have a separable biologic identity from the mother from the moment of fertilization.

4. The individual is living from the moment of conception. The cells are growing by assimilation and replication, and are fulfilling all the biological and biochemical criteria of a living substance from the moment of conception onward.

5. Beginning at fertilization, the growth and development of a human organism takes place on a continuum until maturity.

These principles are not my principles, they are a biological fact, and are a matter of opinion or interpretation, but really true of what life is.

Dr. Carroll of the Maine Medical Center and I have discussed these periods many times and we decided these are the true scientific facts of conception. Now that we know that there is life at conception, I want to ask you a question.

Should any law of the state sanction the destruction of human life at any stage of its development? Abortion is not a medical issue primarily, but a legal, social issue. If we will be allowed to kill a growing fetus in the uterus, probably some day we will be allowed to kill a baby outside the uterus.

The last two years I was asked by everyone in this House the ques-

tion of when life begins. At that time I said, "Life begins at conception." Today I say the same. Biological facts do not change, only human minds change and they are trying to change the laws of life.

If one wants this law for population control, I believe that this is the wrong approach. The only way this population control problem will be reached is by way of contraception. Intensive education and active participation by the government, state and federal, in contraceptive methodology could avoid the need of destroying human life.

A bill was defeated the other day about contraceptives and minors. I did not endorse that bill because it was legalizing something illegal, sexual relations among minors. If we can repeal that law, then I will endorse a bill of sexual education and proper contraceptive techniques by physicians.

In conclusion, no one has the right to pass legislation to deprive others of the right to live, especially the unborn baby enclosed in his mother's womb, who cannot speak for himself.

A beautiful day has a beautiful dawn, do not kill that dawn. If you do you will miss the beauty of the day and gorgeousness of the sunset.

THE SPEAKER: The Chair recognizes the gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker and Members of the House: As legislators, our personal religious beliefs and moral convictions should never be forced on others as we have a duty to all of our constituents. But we must look at the issue of a bill and its merit. There is a freedom of choice — to conceive or not, and I believe that with freedom we must equate the word responsibility.

We have heard countless arguments between the theological and the biological reasons for keeping or destroying human life. But if the human is not subservient to the biological, therefore the conduct to adopt as far as concerns human life cannot be dictated by criterias which are strictly scientific or political.

The State of Maine further recognizes the existence of the un-

born young of animals and allows this as goods in a sale. The unborn young of humans deserves as much protection.

I may not have received as many letters as some, but I did get 96 pertaining to this issue, only three of which favored such legislation. Clearly a large majority do not want liberalized abortion laws. While it may be true that there was a rash of letters written with much the same format, we must also bear in mind that so many of us cannot find the sophisticated words necessary to express our feelings and our concern. And so consequently we look for the direction which will pave the way to our being heard. But the fact remains that people, just people, took the time to take paper and pen in hand and write to their legislators. We should respect their wishes and remember that we serve at their pleasure.

Out of the several reasons advanced for changing the present law, one of the most revealing is given by an insurance company, which gives as its reason for supporting the abortion bill that it is cheaper for them to pay for an abortion than for a four or five day hospital confinement for child birth. Is this how we have come to measure social progress? I cannot subscribe to this theory, for I believe that material and cultural well-being can be achieved through the sharing of our great wealth, which in turn can be brought about by increased job opportunities, education, pride and respect in ourselves and in our fellow man, not by leading our generation into a faceless and soulless society. I shall vote against the bill.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Lund.

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: Abortion reform is a difficult subject to discuss today, and I am sure that I can think of a lot of things and you can think of a lot of things that all of us would rather be doing today. But serving on a committee we don't have the choice of what bills come to the committee, and I feel some obligation to discuss some of the thinking of

the committee, for the minority of the committee, that went into our position with regard to this legislation. And in passing, I cannot help but say that the entire issue troubles me, and I wish indeed that I could feel as sure in my position on this legislation as the opponents seem to feel in theirs.

When that eminent American literary figure and patron of the arts, Gertrude Stein, lay dying in her apartment, she asked, "What is the answer?" And then she uttered her last words, "No, not what is the answer, what is the question?" And I would say to you today, what is the question, because your answer depends on how you phrase the question. And I would suggest to you that the question is not, are we going to allow abortions, because we do allow them now. The question is not, are we going to allow the taking of a human life, because our laws clearly do not treat the termination of a pregnancy as the taking of a human life.

And let me give you an illustration, not a pleasant one but nevertheless one that makes the point, I think. If a man assaults a woman with a knife, commits an assault upon her and her death results in the assault, the man is charged with homicide, murder or manslaughter. If a man assaults a woman with a knife and the result is that a pregnancy on her part is terminated, he is only charged with an assault; he is not charged with murder.

To make another point, if a birth is unsuccessful and the fetus does not assume a separate life, the physician does not fill out a death certificate in the State of Maine. So our laws do not treat the failure of successful life of a fetus as a death.

The key point, it seems to me, that we must keep in mind is that a woman is portable. We can make laws with regard to our natural resources, our highways, our railways, or what have you, but we cannot make a law, as I see it now, which is binding upon the women of the State of Maine. As has been pointed out already, a person is free in this state to go

to a state where abortions are allowed. It has been pointed out this can and is being done today, and it seems to me that we should face this reality as we decide the issue on what to do with this legislation today.

In the course of discussing the bill, the committee discussed the matter that has been raised today of a residence requirement. And I would like to point out that as a result of some recent Supreme Court decisions in regard to other types of welfare legislation, there is at least a serious question in my mind whether it is lawful to insert a residence requirement in a law dealing with a subject such as this, and any other questions as to the wisdom of whether you should have two different courses of action open to a physician, depending on where the woman who is before him happens to live. And I personally see no logic or sense in a residence requirement.

As I have said, this has been a troublesome issue to me. And some time ago I had occasion to talk to my family physician in regard to it. He said to me that he was not very enthusiastic about changing our abortion laws, but he too recognized the fact that people who could afford it could leave the state and have an abortion. And he said he felt it was not altogether best for a woman to be hustled onto a plane or take a car to New York, to go to a strange place, to a strange clinic, and to have an operation performed on her by a strange physician. He felt that it made far better sense to be able to do that, what needed to be done, by her own physician in her own familiar surroundings. For this reason, I plan to vote against the motion for indefinite postponement, and I hope that the House would join with me.

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I voted with the Majority "Ought not to pass" on all of the bills. I feel that all of our superlatives, all of our emotionalism, our mention of welfare problems,

our mention of laws in adjoining states, the fact that abortion is being committed, all of these things retire into insignificance when we consider the act that we are asked to do as a legislative body.

In spite of the fact that my good friend Mr. Lund of Augusta insists that we have not yet accepted the legal—I say legal—identity of the fetus, biologically it is still accepted as a life. I would contend that one of the reasons why a doctor does not fill out a death certificate when a fetus dies is that how are you going to fill out a death certificate on a life which has no identity?

But we cannot say, we cannot even believe that that fetus has not been alive; otherwise how can it die? Twenty weeks or whatever the weeks may be, if the fetus is alive one hour before birth, one month, three months or six months or nine months before birth, the termination of pregnancy takes that life. And I base my feelings on the matter and my vote entirely on that premise, that we should not legislate law in the State of Maine which will authorize the legal taking of life.

It seems so ironical in a way that nearly every state in the Union so far has outlawed capital punishment, because they say it is immoral for a legal body to say we shall kill someone, regardless of what they have done; no matter how heinous the crimes may be. We say they should not take their lives.

I believe right now that the Supreme Court is waiting to make some decision upon a nation-wide ban on capital punishment. Why? Because of this very same moral problem.

Again I would like to refer briefly to what has been said relative to letters to legislators and committee members. I feel that it is entirely relevant to mention those letters. I have them here—three to one opposed to any change in our abortion laws. It is very easy for the proponents of this law to say that it is a planned lobbying problem. But I suppose that the letters that I received from the

proponents of this law are not a lobby. It is just the opponents of the law that are a lobby. I fail to see the difference.

I still believe that a majority of the people of the State of Maine do not want this body to authorize legal taking of human life, and I am thoroughly convinced that it is human life. Another mention of what has been taken up is bringing in religious beliefs. I have been told when I have more or less mentioned my letters and the pressure, or I might say the contact of various people, it has been brought in, the religious part of it. They would say, "Well, their religion doesn't allow it." To me it makes no difference particularly what the motivation is. One religion has got just as much right as another. We are all equal.

I do not happen to be a Catholic, but I have the highest respect for the Catholic religion. I think they are doing a tremendous job in the world. Episcopalians, Congregationalists, all of them, if it so happens that they group together in their beliefs on this thing, every other religion has got that same right.

I would like to read a brief letter which possibly several of you read; it was in the paper. And I quote.

"The Same Result—The abortion hearing is over, and much ado was made by the pro-abortionists concerning their 'freedom of choice.' To these people, I put the question: What is more precious than the gift of life? Would you relinquish yours without a struggle? I think not. What if someone's freedom of choice suddenly placed your freedom in jeopardy . . . your basic freedom of life? No ransom—no trial—no words of defense—someone just preferred that you not live any longer. You are innocent of any wrong doing, but your life is someone's freedom of choice in practice. Would you still hold the same permissive view? Or do you dare to presume, because of your size that you are somehow more human than this tiny child, yet unborn. And let there be no mistake. This unborn child is a living human,

individual just as you are a living, human, and individual.

Be it known, too, that abortion is still abortion whether it is promoted by Dorothy Doyle, or by the sophisticated, lobbying Maine Medical Association. The end result is the same; an innocent life is destroyed. The state merely takes over the activities of the clandestine, back alley, abortionist—and now declares them legal."

This was written by Pat Truman of Hallowell, and that, in a way, states my entire view on it. I feel that if this letter perhaps is emotional, it is a letter which I read completely and it does represent, I believe, the feeling of a lot of us, that it is not religion, it is not welfare, it is the very fact that we do not have the right to promulgate such a law. And I hope you will accept the Majority "Ought not to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Jutras.

Mr. JUTRAS: Mr. Speaker, Ladies and Gentlemen of the House: It is difficult to search for absolutes in 1971 when everything is being questioned. What was true 75 or 100 years ago seems to be untrue today. And this applies to the military, the church and the state. The question before us today is, is the termination of a human pregnancy an intrinsic evil or is it justified under certain circumstances? We know only God can give life and only God can take it away. Only a few years ago, to fight for one's country was an honorable duty; today it is a dirty business. It seems that it is proper to revile the uniform today.

Murderers are no longer punished, they are rewarded for their crimes. To lie, cheat and steal in post exchanges and service clubs throughout the world seems to be an accepted practice in the military and even the generals get in on it.

In the church, Papal infallibility was once an accepted dogmatic fact among the faithful. It was never to be questioned. This infallibility has not been diluted through shared authority of the Pope, through his bishops and

through their priests and parishioners. Infallibility as a word will soon be a dictionary dropout. Canon Law is being changed very rapidly to meet the changing times. Latin has been supplemented by the vernacular in the canons of the holy mass, and the church ritual has suffered the same fate. The traditional funeral mass of the dead is no more, it is the Mass of the Resurrection. The sacraments and sacramentals are being dropped or dispensed with in a pragmatic manner in order to meet the current requirements of society.

A few years ago it was an honor to be a member of a large family. Today the production of a large family is considered a crime against humanity. And perhaps the ecologists are not wrong in preaching against an increased population.

A few years ago it was unthinkable to mention marriage for a clergyman of the Roman Catholic Church. It is possible today, through the process of laicization, the process by which a priest forever, according to the order of Melchisedek, reverts to the status of layman through papal dispensation and process.

I predict that before the beginning of the 21st Century, women will have been ordained as ministers of the holy church and that the remaining male priests will be given the option of celibacy or marriage in the performance of their duties.

In the state, after the Industrial revolution, the state gave tax concessions to industry as an enticement to come to any place on this planet. They came, they produced and they polluted. Today we vote against their coming into our state, and it seems that what was wrong yesterday is not wrong today; and what was right yesterday is no longer right today.

We are searching for the absolutes and we find them not in our confused society of the seventies. And I repeat — Is the termination of a human pregnancy an intrinsic evil or is it justified under certain circumstances? As I have said, only God can give life and only God can take it away.

As elected representatives, we must reflect the will of the majority of our constituents, and that is exactly what I shall do today in voting on this major question. I am not telling you how to vote. I shall vote for the people of Maine who have elected me. But vote I must, and I shall stand and be counted.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Mrs. Goodwin.

Mrs. GOODWIN: Mr. Speaker. Ladies and Gentlemen of the House: If we are going to speak of the fetus as a human being, then let us look at the rights of a human being. Does a human being have the right to use any part of the body of another without the other's consent? Do you believe that anyone has the right to take one of your kidneys because someone else cannot live without it? Does anyone have the right to your cornea simply because he cannot see?

Does the fetus have the right to use the uterus and circulatory system of a woman against her will? Most will say no if the mother's life is endangered. Is the physical life of a woman then more important than her emotional and mental life? Is the right of the unborn fetus to physical life more important than the right of the mother to psychological well being? If the sanctity of human life is the paramount law, then what of the sanctity of the human spirit?

If we cannot agree on these questions here in this chamber, then obviously, despite allegations to the contrary, abortion becomes a philosophical, moral, and religious question. And if it is, then under the Maine Constitution which says that no subordination nor preference of any one sect or denomination to another shall ever be established by law, we cannot and we should not impose the religious or moral convictions of one person upon another, no matter what our personal beliefs may be. As a Roman Catholic I firmly believe that every person must answer to his own God and to his own conscience.

The SPEAKER: The Chair recognizes the gentlewoman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker and Ladies and Gentlemen of the House: As a signer of the Minority "Ought to pass" Report, I wish to discuss some of the reasons why I believe the State of Maine should pass this law with respect to abortion.

This has been described as an extremely emotional issue and as a religious issue. It should be neither. Whether we accept it or not at this time, the problem is not going to go away by simply avoiding the issue and turning our heads the other way. Abortion is here, has been here for many, many years and with or without a change in the law will increase as science progresses and as people become more and more informed on the subject.

The bill before us today is in no way mandatory upon a woman. It is a decision for her to make with the advice and assistance of her physician. No one should be forced to accept the religious or moral beliefs of another, nor should one try to force such beliefs upon another person. With present day medical practices abortion can be had with a minimum of danger to the patient. At present those who have the money are able to go out of the State and obtain an abortion, so that the present law works a hardship on the poor and is thus only selectively enforced, which is discriminatory.

This forces those who are least able to provide for children economically to have children, thus increasing our welfare load in the long run. Unwanted children are the ones most ripe for becoming problems of society with anti-social behavior. Quoting directly from one of the state's most prominent clergymen, "It seems to me that the individual and the community at large would best be served by the repeal of the present law. This would free those faced with the problem, those in the medical profession and those in the counseling profession, to deal with the problem in a responsible way and consistent with the dictates of conscience. To repeal the

present law does not impose upon anyone an action that is contrary to their conscience."

A well known Director of Family Planning in my County has written, "One fact that has become apparent to us is the appalling ignorance of the physiological process of reproduction. . . . Hence, there are a great many unwanted pregnancies and on the part of many women, a search for a way to terminate the pregnancy. Women resort to all kinds of ineffective and dangerous procedures and will continue to do so, as they always have. . . . I sincerely ask you to face the facts, that abortion, legal or not, will continue, so give the women of Maine who choose abortion the opportunity for a safe one as provided by L. D. 1736."

Another concerned citizen writes "Abortions, especially in the first twelve weeks, when performed by a competent physician, are as safe as a tonsillectomy. The mortality rate is the same for both, 3 in every 100,000. . . . We do not legislate appendectomies, why abortions? The medical profession has always been able to regulate its members before, why raise eyebrows at their ability to regulate themselves in this matter? The argument that we must protect the rights of the unborn is a hollow one. The time has come to consider those already here and competing for the existing food supply and raw materials necessary to support our citizens."

Others point out that it is immoral in their opinion to insist that unwanted, deformed or retarded babies be carried to term. It is cruel and inhumane to refuse abortion to a mentally-ill mother of five children, if her doctors feel an abortion will prevent further illness and give those children a healthy mother. There is no ethical or moral reason for the Legislature to deny a woman's right to make health decisions with her doctor. One nurse writing in the Catholic Church World states that she has witnessed fetuses dying as the result of spontaneous (natural) abortions, that it is a poignant feeling and all present would have done anything possible to save that life. But that she has also

seen the tragic sight of a half dead 17 year old girl suffering the results of a home abortion. This sight too is unnerving.

Abortion has always existed. What is new is legislation designed to aid those who would otherwise still have an abortion, with the unfortunate results so prevalent. Name calling, criminal, murderers, no respect for life just really does not apply to most of the people who back the legislation. We may not agree with the situation for our own use, but it is a reality and some are prepared to cope with it and have the courage to do so. Like it or not for ourselves, we must see it as a sincere effort by those who have responsibility for public welfare, if not morals.

Many look upon abortion as the only solution to overwhelmingly pressing problems: illegal abortions and unwanted children. Even if we, for the sake of argument, could suppose that women bearing unwanted children should suffer for their incontinence, surely no one would suggest that children suffer for what was neither their fault or their desire. There have always been, there will continue to be, unwanted pregnancies. Will society continue to ignore them or choose to deal with them in the only way possible? Abortion must be regarded as a regrettable but necessary alternative.

Much of the debate concerning abortion centers around when life actually begins. There has been no general medical agreement as to when life begins in a fetus, except that virtually all authorities agree that after 20 weeks of gestation human life is present; anyone who says human life begins at conception is stating a moral opinion, not a fact. It has been recommended that the government withdraw from the area of protecting the first twelve to twenty weeks of non-viable fetal life.

I believe that L. D. 1736 provides the necessary safeguards as to who may perform a legal abortion and under certain conditions, such as in approved hospitals and after receiving the approval of two doctors other than the doctor who is to perform the operation. This would be a workable law and of benefit

to Maine women. This new law would stop the practice of criminal abortion and allow every woman, regardless of economic status, the freedom to control her own reproduction. We are urged to end hypocrisy, economic discrimination, and an unjust restriction on the practice of medicine.

I oppose the motion for indefinite postponement of L. D. 1736.

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Brawn.

Mr. BRAUN: Mr. Speaker and Ladies and Gentlemen of the House: If every pregnant female aborted today, what would happen to our nation? If our mothers had aborted when they were pregnant none of us would be here today. The child that is within a mother's womb today will care for you and I in our old age. If they are all aborted who will till the farms? Who will feed the hungry? Who will care for the ailing? You had better think it over or our country will go back to woodland as it was years ago.

The SPEAKER: The Chair recognizes the gentlewoman from York, Mrs. Brown.

Mrs. BROWN: Mr. Speaker and Ladies and Gentlemen of the House: I support liberalizing our abortion laws. From all I have read and heard, one must simply face reality. We have a law on the books whose narrowness denies some women legal abortions. So the law is flouted and illegal abortions are performed. The piece of legislation that we have before you is permissive.

To me it is humanitarian to liberalize Maine's abortion law to allow medical techniques to help end the burdens and grief of retarded and malformed children, to help the women of limited means who can't afford high fees and are driven to charlatons who employ dangerous techniques.

The obligations of motherhood are enormous and is a challenge night and day even when the child is wanted and is loved. When the child is unwanted there can be serious psychological consequences that can be emotionally destructive to the mother and may prove disastrous to the child.

It must be obvious that our anti-abortion laws have been written by men. It seems to me that this should be taken into consideration in our deliberations. A better and more objective understanding by all of a woman's anguish in having an unwanted child should be given consideration when one is trying to understand the moral issue. One of our basic tenets of a democratic system is that a person should be permitted a maximum degree of individual freedom. I ask you, should a woman be denied her right to control her own reproductive life?

I feel that we should deal with this forthrightly and not to continue our archaic and hypocritical concepts on our statutes. I urge you to vote against the "Ought not to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker and Members of the House: In answer to some of the statements made today I would like to say that I am not afraid to take a stand and I am not concerned about losing my job.

When campaigning I informed people that when it came to moral issues I would vote according to my convictions, and I believe this is a moral issue. If they do not agree with me I probably will not be elected again. However, that will be their privilege to decide.

I have personally had notes from 357 of my constituents, 353 of these were against liberalization of the present law, and I would like to read a sample of these letters that I received, from a protestant, no less, not a Catholic.

"As citizens of Maine and the parents of three daughters, two of whom are still in college, we would like to express our distaste and disapproval of the proposed legalized abortion bill.

It is our opinion that this bill is just another step down in the already lowered standard of moral codes of society. Why make it possible to legalize illicit affairs! Isn't this what this bill would do? Is the passing of this bill going to make something wrong right? Isn't this just another way of saying to society . . . go ahead . . . do wrong

. . . we'll pass this bill and make it right . . . Our laws now seem to be made to protect the guilty, not the innocent. Do we have to add one more law to aid and abet those who are determined to drop all morals?

Is the permissiveness of today's society going to govern our law makers? Are those who represent us in the Legislature going to say yes to anything regardless of what it will do to us and allow them to stay in office? Are there not still some who dare to say no! It certainly takes more courage to stand up and say no than it does to say yes in this permissive society of today.

We say NO!"

These are my feelings also.

To me it was quite evident at the hearing that those that were pushing this bill were the young unmarried youth. And I say that if one is old enough for adult rights they should also be responsible for those rights.

The SPEAKER: The Chair recognizes the gentlewoman from Newport, Mrs. Cummings.

Mrs. CUMMINGS: Mr. Speaker and Members of the House: I think that there is one part that is being overlooked in the statistics that relate to the women who have legal abortions in other states. A very considerable percentage of these people are married. I think that if we could consider this on a more positive side, we have all known the young couple, the ones that are just starting out, planning their lives, budgeting their accounts, and counting on time to save money before starting their family. Through no fault of their own, due to who knows what accident, or faulty device, their plans are destroyed. Their careful planning is gone for naught and they begin at once to struggle with a budget which, when cut in half because the woman has to stop work, is completely inadequate. They start on a long road of scrimping, doing without, borrowing and dreaming of what might have been.

Another couple, realistically assessing their assets, present and future, and the demands on their income, decide their family is the right size, their budget just sufficient to bring up their children as

they think best. Then again, due to no fault of their own, but rather to an unfortunate failure of whatever contraceptive method they relied on, their careful assessment and mature decision is blown to pieces.

In many instances an added burden to an already precariously balanced economic situation leads to disaster.

I suggest that this bill will allow these families, the less well-to-do in our society, the same privileges and rights to correct an accident that are now easily accessible to those who are more affluent.

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

Mr. JALBERT: Mr. Speaker and Members of the House: One of the speakers, one of the sponsors of the measure, apparently made a great deal wherein it concerned itself with the Catholic religion. Another one of the speakers, and I am somewhat amazed at my dear friend from Bath, Mr. Ross, said that I did not name, in that I named those who spoke for the bill,

I did not name those people who spoke against the bill. I mean I think that he would probably agree with me that if I would have gone into that area, I mean my stupidity would not be from here on down, but from here on up. And I know that he has been around here too long and is too much of a pro to even have made that statement, and he has made some astounding statements today.

As a matter of fact, the gentleman from Bath, Mr. Ross, has been an original sponsor of the abortion bills. And I am just wondering why he didn't propose an amendment for referendum on the bill before. I mean he is prone to put some amendments on bills before that would have gone. I am going to go along with one of his bills that calls for a constitutional amendment. But I am wondering why he didn't do it in this issue here.

Also the lady who spoke in so far as religion is concerned, basically just hitting on one religion. I might say to you that at the hearing among the proponents I named the names of the people who spoke, I did not state, however, their religious denomination. Rabbi David

Berent, Jewish, of the Jewish Church, speaking for the bill. Rev. Leslie A. Dunn, Pastor of the Second Presbyterian Church of Portland, speaking for the bill. Father Clement D. Thibodeau, Roman Catholic, Chaplain Bates College, Chairman Diocesan Ecumenical Committee; Reverend Clyde Bailey, Pastor of the Glenwood Square Baptist Church; Reverend George J. Venetos of the Greek Orthodox Church, and Sister Mary George O'Toole, Chairman of the Sociology Department, St. Joseph's College. Any time that I can present a bill and be in that kind of company I would consider that I am in pretty good company. And that is the company I was in at the hearing.

Also the word was mentioned by the good gentleman from Bath, Mr. Ross — murder. I did not mention the word murder. I would, however, ask him to tell me just what his definition of this bill would be if I would quote from his own 1970 Annual Episcopal Church Conference, a church denomination that I have a great deal of respect for, as much as I have for the gentleman from Bath. And I would like to read to you what was adopted among other good resolutions at that hearing.

And I am fully aware of the fact that Reverend Wolfe, Bishop of the Episcopalian Church, is in favor of abortion. However I want to read, in case it has escaped my good friend from Bath, Mr. Ross's thinking, I would like to read if I may these words. "But rather that life from its beginning . . ." from its beginning "for each individual . . ." for each individual "with the union of the male and female genic materials is a slowly progressing, incredibly complex continuum of development through biological life to and through the inevitable and necessary death process." Right here and there spells out the word death. Live begins at conception until death. And on that basis that makes abortion murder.

I would also like to quote from the gentleman from Bath's remark in which he made a statement that the Maine Medical Association overwhelmingly — overwhelmingly endorsed the abortion legislation. The lobbyist for the Maine Medical Association, the Honorable Harri-

son Richardson, appeared before our committee, and stated later on to the committee that when the delegates of the convention of the Medical Association of Maine met their vote was around the area of 50 to 36 in favor of abortion. What polls were taken I know not of.

The same gentleman, Mr. Richardson, told me last evening over the phone that he doubted very very much — he doubted very very much if the Maine Medical Association would adopt this concept.

Now I am one of those who feel and know, believing the words of a famous physician of the Maine Medical Association and others, that eventually we must face a problem of birth control. And we must study it. But certainly not in this area.

The lady from Bangor, Mrs. Doyle, made the statement that not one obstetrician appeared at the hearing in opposition to the abortion bill. The sixth opponent to the bill, namely Dr. Lionel R. Tardif, one of the foremost obstetricians — and I look now to Dr. Santoro — one of the foremost obstetricians in New England spoke very very vociferously against abortion. And if my memory serve me correctly, and it does serve me correctly, the gentleman from Bath, Mr. Ross, told me two years ago that the same physician, Dr. Ross, opposing his own bill, did a very good job at the hearing.

Now the gentleman from Augusta, my very good friend, Mr. Lund, talked about people that will have abortion and going to New York. Well for my money let them go to New York. And if they want to have a crap game, and if they want to play a slot machine, and if they want to go and get their divorce on a second's notice, let them go to Nevada. It is perfectly all right with me.

Many of you who are here heard me as the chief opponent of lottery bills. And you well know, many of you who sided with me, and many of you who may not have sided with me, that since the State of New Hampshire, that we were quoting having put in a lottery bill to bail themselves out fiscally, wish to high heaven that they didn't have it today because it is

a liability. And I am happy to say, because there must be some levity to something, that there is one state with a lottery that has got more financial problems than we have here in Maine.

There has not been one person — and I will take issue, I believe for the first time, even though we are certainly not of the same political faith, with the good lady from York, Mrs. Brown, I would tell her now, and I would also remind my very dear friend and colleague from Orrington, Mrs. Baker, that not one person has denied and proven, or denied the fact that life does not begin at conception.

I am sorry, Mr. Speaker, that I rose for a second time. I did not intend to. I have gotten so many notes telling me to take it easy it isn't even funny. But believe me, it is not too easy to take it easy on an issue that you feel so strongly about. My answer to this is that if it is to be a religious issue, all faiths were represented in opposition to this measure. My answer to this, if it is an emotional issue, can anyone here deny that the correspondence they got concerning this legislation was more than overwhelmingly against any type of such legislation? And if it is to be a medical issue, can anybody here stand up and tell me of a medical professional man of real repute who will say that life does not begin at conception?

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I will try to be brief. You have heard the pros and cons of this measure. A point I would like to make at this time is I will attempt to answer some of the remarks made by Mrs. Doyle relative to representing our constituents. I can truthfully say that my constituents have sent to me over 225 letters — not as many as what Mrs. Berry received, but I will say this, the opposition only sent me one favoring this measure. I received many many phone calls. Therefore, I do try to represent my constituents to the best of my ability, and I will support and vote for the motion to indefinitely postpone

this measure and all its accompanying papers.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Bailey.

Mr. BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: My voice most likely will not be heard as loudly and clearly as the voice of some of the church councils, some of whom have gone on record as favoring the liberalizing of the abortion laws, but what I lack in ecclesiastical officialdom, I would ask an appeal to the substantial weight of scriptural authority. The Bible has had tremendous influence on our land in making us a great and free nation. And I fear that we are in grave danger of losing that greatness by leaving the Bible unread and unstudied on our shelves.

The Bible admittedly speaks in relatively few instances of unborn life. Yet when it does speak of it, it is quite clear. Whenever the unborn individual is mentioned in Scripture, he is described as a person in language that is normally used elsewhere for persons already born.

Esau and Jacob, while still in the womb, are referred to as children. Job was spoken of as a man on the night he was conceived. David writes of his prenatal condition as an individual, using pronouns and marveling over God's concern and hand in the development of his personal self while still in the womb. The Bible speaks of Jeremiah as a person while yet in his mother's womb. And Jeremiah himself, in his despair, curses the day of his conception and wishes that he had died while still in the womb. Note, I said died.

Wherever the Bible speaks of life in the womb it uses the same matter-of-fact terms used for life after birth. Fetal life is human and personal from the moment of conception. To stretch forth man's hand to deliberately end that fetal life before it is able to live on its own outside the womb is as serious a crime as to end the life of a person already born.

Consistent with the teachings of the Bible relative to the existence of life from the instant of concep-

tion, we can but conclude that to allow that life to be ended is nothing short of murder.

The State has a very significant task in providing for the protection and preservation of life and assuring to all the right to life and the pursuit of happiness.

I would hope today, ladies and gentlemen, that we vote on this matter and we would refer to the Book of Job, the first chapter, the twenty-first verse. It says, "May it be left to God what belongs to God, the giving and the taking of life."

The SPEAKER: The Chair recognizes the gentleman from Casco, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker, Ladies and Gentlemen of the House: I do not feel that I am qualified to speak on this very controversial issue from a religious viewpoint, a medical viewpoint, or from a legal viewpoint. However, I do know this—abortions are taking place in this state today, and it is quite possible while we are debating this highly controversial measure that an abortion is taking place in this state. As has been pointed out, those who are well off financially, those who are well connected can make arrangements for abortions, receiving the highest quality care and standards of treatment. However, those who are poor and are poorly connected have to resort to a somewhat less pleasant situation.

I would hope that we could liberalize our abortion laws so that all of our citizens can receive equally the high quality care that they both need and deserve.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: I think we have heard the issue fairly well, and I don't think there is a man in the House who at this time doesn't have his mind made up, so I now move the previous question.

The SPEAKER: The Chair would advise the gentleman that he has debated his motion.

The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: We are faced today with I believe the most important bill of this session because it relates to human life. I have to admit that many times we have other important bills and that I am disturbed by the outcome of them, but I will never be disturbed about them as I will be about this if this is passed. We have many bases upon which this can be discussed. We can discuss it morally, emotionally, physically, psychologically or religiously.

Now I will not get involved with the emotional part or the psychological part of it, because actually if you are morally sound you will not be faced with these problems. I will not at this time get involved in the religious part of it, although I feel that I am able to stand for any religious stand of the church that I attend.

However, it is my contention that any permissiveness in the termination of the existence of a living being only tends to weaken our overall estimation of the value of life. I believe that he is morally wrong to allow persons to kill a human being or one that is unborn but who is legally entitled to all the rights of a human being after he is born. From the moment of conception, the law of the land recognizes that a human life, conceived and existing and still in the womb, can inherit, can have a guardian appointed, he can sue for injuries received when in utero, he can recover Social Security benefits, and his parents can recover for wrongful death.

Would you allow this unborn child to be destroyed if it were your own? Ask yourself, and ask those who have abnormal children: Do you love one of your children more than the other? A child, however defective mentally or physically, has a right to live. His right to live is paramount to any law of the land!

It is interesting to note that three psychiatrists who are in charge of our hospitals have in the past sessions and in this one, spoke and said that we should condemn 85 percent of the healthy, normal unborn to eliminate the

10 to 15 percent who might be defective. Now these people are the ones who are in charge of your mental institutions. In case you never noticed, they come to all these hearings, these abortion hearings, and they always talk in favor of abortions. It bothers me to think that our mentally retarded are in the hands of such individuals who put so little value on life by suggesting abortions to eliminate the less fortunate.

The sacredness of living is not limited to the fittest. The issue is whether one can by abortion or otherwise stop the development of human life. Opponents of this bill believe that human life begins at conception and this belief is enforced by the international code of medical ethics which states "that a physician will maintain the utmost respect for human life from the time of conception."

The proponents of this bill claim life starts at birth. If they are correct, why do they in the title of L. D. 1736 state "termination of pregnancy by abortion?" How can they say to terminate, when according to their claim life has never started? An interesting point, but an inconsistent one.

Who amongst us is perfect? Which imperfection is minor enough to have and which is so great that it is deemed destruction before birth? Consider the many amputees or handicapped persons or mentally retarded who lead happy, productive lives in the full dignity to which we all have a moral and legal right. Many retarded persons are very happy in their own world and surroundings.

The effect of this bill as is, never mind what is proposed, this is what we are facing. It has no residence requirement as is. It also denies the unborn infant the protection and due process of law. It also disregards the right of the husband, whatsoever, to actually disregard his right to whether his wife should have an abortion or not. Now it seems very clear that the husband, and I think there are cases to substantiate this, that doctors have been sued for trespass because an abortion has been done and the husband has not agreed and not even been asked.

And I submit to you, the U.N. Declaration on Rights of the Child states in part: "In the enactment of laws for this purpose, before and after birth, the best interest of the child shall be the paramount consideration."

I suggest to you that we try and continue to eliminate the source of defects rather than murder these children. This should be our foremost concern. I believe in the Commandment of God, "Thou shall not kill." And it would be just as bad to allow it to be done as it is to do it.

Now at the hearing it was said — I just want you to know what happened at the hearing. At some of the hearings here some of the proponents of these bills, of this bill and other bills, actually were unmarried girls, pregnant, who had gone to New York and other places to get an abortion. They didn't feel bad about it. As a matter of fact, they said they felt better psychologically, but they didn't look that way. And we had another one, a mother of eight, who also said that she was in favor of abortion. Well this was her own opinion. But the worst part of this is the fact that these people who have had abortions and support abortions today are on the Governor's Task Force on Youth. These are the people who tell youth and advise them as to what to do. I think this is a very very bad situation, and if there is anything that we can do about it you can be sure we will try.

I support the motion for indefinite postponement and I ask for a roll call.

Mr. Kelleher of Bangor moved the previous question.

The SPEAKER: For the Chair to entertain the motion for the previous question it must have the consent of one third of the members present and voting. All in favor of the Chair entertaining the motion for the previous question will vote yes; those opposed will vote no.

A vote of the House was taken.

The SPEAKER: A sufficient number having voted in the affirmative, the previous question is entertained. The question now before the House is, shall the main

question be put now? This is debatable for five minutes by any member.

The Chair recognizes the gentleman from Mexico, Mr. Fraser.

Mr. FRASER: Mr. Speaker and Members of the House: I don't believe the main question should be put now because there are things that have not yet been brought out. As a matter of fact, I have a letter here to quote that has some information that has not been heard this morning and I would like to read it.

The SPEAKER: The Chair recognizes the gentleman from Webster, Mr. Cooney.

Mr. COONEY: Mr. Speaker and Members of the House: I would oppose putting the main question now. I have not made up my mind, so I am one vote worth working on, I think. So I would oppose that motion.

The SPEAKER: The Chair recognizes the gentleman from Wayne, Mr. Ault.

Mr. AULT: Mr. Speaker and Members of the House: I oppose putting the question right now, because I want to speak in favor of this measure.

The SPEAKER: The pending question is, shall the main question be put now? All those in favor of the question being put now will vote yes; those opposed will vote no.

A vote of the House was taken. 61 having voted in the affirmative and 73 in the negative, the main question was not entertained.

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. Fraser.

Mr. FRASER: Mr. Speaker and Ladies and Gentlemen of the House: I know that the most welcomed quotation at this moment is, I will be brief, and I promise you that. But I have received, among many letters, I am sure like many of you have on this subject, one which I think stands out, and I would like to read it to you. It comes from the office of Dr. Royal, Dr. Gorayeb and Dr. John Makin in Rumford.

"Dear Mr. Fraser: Just a few words to voice our opposition to the three impending bills in the 105th Maine Legislature on abor-

tion—two being sponsored by Mrs. Doyle and one by the Maine Medical Association. Quickly our reasons are:

1) The physician's primary role is the preservation of life and abortions consequently are in opposition to what a physician has sworn to do.

2) It is our belief that the fetus is a living thing and consequently its destruction constitutes a form of murder. This was borne out recently by a slight racket which was uncovered in England whereas abortion clinics were selling fetuses to laboratories who in turn would try to make them survive under artificial conditions.

3) We fully agree with the statement that the woman should be the master of her own body, and it seems that this mastery should also extend to the moment of conception, and not only afterward where another being is concerned.

4) The example of the state of New York should, it seems to us, be very striking in opposing such legislative laws. Most, if not every physician of the State, will vouch for the deluge of literature we have received from brokers whose obvious purposes are purely financial. We would hate to see the same thing happen in the State of Maine." It is signed by Dr. Gorayeb and Dr. Royal.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Emery.

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen: I am not going to indulge in fancy words. I am speaking as a Methodist. The facts that have been presented in favor of this bill seem to have very shallow motives. Yesterday afternoon I was working in my garden. Across the mill pond from me I heard the happy voices of children in the neighborhood at play. The kids were chasing balls. They were fishing. They were romping around with dogs.

I ask the question—How many of these children in their golden days of childhood would be on this earth if this bill had become law in the past? In the book by Rachel Carson, it mentions the silent spring. I believe we would

certainly have a silent spring if such a bill should become law.

Last evening, speaking to my good Catholic wife, I asked her opinion of this bill. She simply replied, "It is legal murder." I believe that the motives behind this bill are in reality monetary gain pressured by a small minority group of professionals who would seek to line their pockets with silver at the expense of age old laws and beliefs. They who would give up religious teachings and beliefs for any little temporary safety neither deserve safety nor the protection of the law.

This type of bill would promote immorality. I support the indefinite postponement motion.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Drigotas.

Mr. DRIGOTAS: Mr. Speaker and Members of the House: My wife who was widowed, as I was, is the mother of one of the finest girls in the world. Elaine, her daughter, has been married for over seven years to a man who in my estimation is absolutely the finest guy walking. Tom, her husband, is 27, Elaine is 26. I know their marriage was founded on love, true love, because after five years of their marriage Tom and Elaine said that the only thing that clouded their happy marriage was the fact that they had no children. After consultation and concentration with doctors, it was found that it was uncertain about their chances of having normal procreation.

What did they do? I think they did the finest thing that any human being could do in this world. They adopted a child. This little girl came from St. Andrew's Home in Biddeford. They had to wait for over eight months before they were entrusted with the care of this lovely little girl Beth. It has so enriched her life, my wife's life, mine, and Tom's, and has made their life meaningful. What would have happened if this little girl had been the victim of abortion?

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Curtis.

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: For medical reasons or personal reasons, a woman who can afford to do so can go outside this state for an abortion. The same freedom of choice should be available to all women, regardless of their financial situation.

This bill before us is a compromise and it is not perfect, but it is better I think than the existing abortion law. I will support its passage and the proposal of Representative Ross for a referendum.

The SPEAKER: The Chair recognizes the gentleman from Wayne, Mr. Ault.

Mr. AULT: Mr. Speaker and Ladies and Gentlemen of the House: I have talked to many of my constituents regarding this proposed piece of legislation, two in particular. One was a young woman who with the capable assistance of her husband brought three fine children into the world. They decided they wanted no more after this. They figured it was the right size for them and their income. Unfortunately, as does happen, she became pregnant again and they decided that the answer to their problem was that she would go to New York and get an abortion; which she did last October.

Possibly if this law had been on the Maine books she would have been able to get one in Maine. I am pleased for her and her husband that they both are still convinced that they did the right thing.

The other person that I talked to, the other constituent, was Dr. Dean Fisher, who is Commissioner of the Department of Health and Welfare. He informed me that to the best of his recollection that last year his department referred six welfare cases to the State of New York for abortions. He is not sure how many went, but those that did their expenses were paid for by the Maine taxpayer. He said the feeling in New York right now is that they want to stop welfare cases from other states being sent there for abortions; in fact there is a bill before the New York Legislature right now to do that.

Dr. Fisher also told me that it is now quite simple to determine early in pregnancy whether the fetus is deformed either mentally or physically enough so that it could be legally aborted under this law. He told me that it is possible to tell if a fetus is a hemophiliac or retarded, such as a Mongoloid child.

I am the father of a Mongoloid child and although I do not speak for myself I have seen the great unhappiness and sadness that can come to parents to which these children have been born. I know one family, their first child was retarded. They were determined that they would have a fine, healthy child, and they tried two more times. And they have three retarded children.

I believe that the people should have the right to decide whether they want to have these children brought into their families. Mr. Carrier has said that he has seen many happy retarded children. How many of their parents were happy when they were born and when they were growing up?

I urge you to vote against indefinite postponement of this measure and support the Minority Report.

Mr. Carey of Waterville moved the previous question.

The SPEAKER: For the Chair to entertain the motion for the previous question it must have the consent of one third of the members present and voting. All members desiring that the Chair entertain the motion for the previous question will vote yes; those opposed will vote no.

A vote of the House was taken.

The SPEAKER: A sufficient number having voted in the affirmative, the previous question is entertained. And the question now before the House is, shall the main question be put now? Which is debatable for five minutes by any member.

Shall the main question be put now? All in favor say aye; those opposed say no.

A viva voce vote being taken, the main question was ordered.

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and

voting. All members desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that both Reports and Bill "An Act relating to Termination of Human Pregnancy by Medical Decision," House Paper 1024, L. D. 1406, be indefinitely postponed. All in favor of the indefinite postponement will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bailey, Barnes, Bartlett, Bedard, Bernier, Berry, G. W.; Berube, Binnette, Birt, Bither, Boudreau, Bourgoin, Brawn, Call, Carey, Carrier, Carter, Churchill, Clemente, Collins, Conley, Cote, Cottrell, Curran, Curtis, A. P.; Cyr, Dam, Drigotas, Dudley, Emery, D. F.; Emery, E. M.; Faucher, Fecteau, Finemore, Fraser, Gagnon, Gauthier, Genest, Gill, Good, Hanson, Hawkens, Henley, Herrick, Hewes, Jalbert, Juras, Kelleher, Kelley, P. S.; Keyte, Kilroy, Lawry, Lebel, Lee, Lessard, Lincoln, Lizotte, Lynch, Mahany, Manchester, Marsh, Marstaller, Martin, McNally, McTeague, Millert, Mosher, Murray, O'Brien, Orestis, Pontbriand, Santoro, Sheltra, Shute, Silverman, Slane, Smith, E. H.; Starbird, Tanguay, Theriault, Trask, Tyndale, Webber, Wheeler, White, Wight, Williams, Wood, M. E.

NAY — Ault, Baker, Berry, P. P.; Bragdon, Brown, Bunker, Bustin, Clark, Cooney, Crosby, Cummings, Curtis, T. S., Jr.; Dow, Doyle, Dyar, Farrington, Goodwin, Hall, Hancock, Hardy, Hayes, Kelley, K. F.; Kelley, R. P.; Lewin, Lewis, Littlefield, Lucas, Lund, MacLeod, Maddox, McCloskey, McCormick, Mills, Morrell, Norris, Page, Parks, Payson, Porter, Pratt, Rand, Rollins, Ross, Scott, Shaw, Simpson, L. E.; Simpson, T. R.; Smith, D. M.; Stillings, Susi, Vincent, Whitson, Wood, M. W.

ABSENT — Donaghy, Evans, Haskell, Hodgdon, Immonen, McKinnon, Rocheleau, Woodbury.

Yes, 89; No, 53; Absent, 8.

The SPEAKER: Eighty-nine having voted in the affirmative, fifty-three in the negative, with eight being absent, the motion to indefinitely postpone does prevail.

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

Mr. JALBERT: Mr. Speaker, I now move that we reconsider our action whereby we voted that this Bill and accompanying papers be indefinitely postponed, and when you vote vote against my motion.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, now moves that the House reconsider its action whereby this Bill was indefinitely postponed. The Chair will order a vote. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

39 having voted in the affirmative and 93 having voted in the negative, the motion to reconsider did not prevail.

Sent up for concurrence.

Mr. Jalbert of Lewiston was granted unanimous consent to address the House.

Mr. JALBERT: Mr. Speaker and Members of the House: For the first time in almost half of my lifetime I was obliged to be absent from my seat in this Legislature. I did not care to make the remark that I am going to make, because I didn't want to put any more emotion on the measure that I was about to debate, nor that I would want to take advantage of a situation any more at this time than I have at any other time.

I could not physically carry, not the suitcase but the two boxes of cards and well-wishes that were sent to me by the members of this House. And little wonder it is that I have always said over the last few years that I had three homes — 83 Elm Street, Lewiston; St. Mary's, and the 105th Legislature; and believe me the 105th Legislature ranks at the top of the list.

I will have to be — because I am here today very definitely, particularly yesterday when one of my physicians read in the paper that I was coming here today if I had to hog-tie him, believe you me when I went over to ask his per-

mission if I could come—he is an early riser, and he got up and he had read the paper early. I went to see him with some trepidation in my heart. But after a long consultation he agreed to allow me to come merely for this debate today and impressed upon me to take it easy.

I asked unanimous consent to address the House also because I wanted to thank you particularly, Mr. Speaker, for the many messages that you sent me to keep me aware of what was going on, as well as my Minority leader, Mr. Martin, as well as Majority leader, Mr. Susi. I am certainly most appreciative of the fact that my seatmate, Representative Pontbriand, brought to my home every night everything that went on in the Legislature.

As I always say, there is always a little levity to everything. I have been in the habit — among the things that were sent to me nearly every day, gave me the new record of every action of the House that was delivered to me at the hospital, at my home. And really it did a great deal for me. But being a little levity in the thing, Bert also brought to me the blanket, and I have been quite in the habit when the blanket came, being the first one on the aisle, I have been in the habit of not even picking up my own too much, passing mine on to Bert, filing mine in file 13, and frankly I don't think I will stop the procedure.

I would like to thank all of you and I hope that I will be with you as often as I possibly can and from the bottom of my heart, as I love this seat, as I love the Legislature, thank you very much. (Applause, the members rising)

On motion of Mr. Susi of Pittsfield,

Recessed until one-thirty o'clock in the afternoon.

After Recess
1:30 P. M.

The House was called to order by the Speaker.

Divided Report

Majority Report of the Committee on Fisheries and Wildlife on

Bill "An Act Establishing a State-wide Open Deer Season for the First Three Weeks of November" (H. P. 906) (L. D. 1250) which was recommitted, reporting same in a new draft (H. P. 1337) (L. D. 1753) under title of "An Act relating to Open Season on Deer in Northern and Southern Zones for 1971 and 1972" and that it "Ought to pass"

Report was signed by the following members:

Messrs. HOFFSES of Knox

BERNARD

of Androscoggin

ANDERSON of Hancock

— of the Senate.

Messrs. CALL of Lewiston

LEWIN of Augusta

PARKS of Presque Isle

BOURGAIN of Fort Kent

LEWIS of Bristol

MANCHESTER

of Mechanic Falls

BUNKER of Gouldsboro

KELLEY of Southport

— of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Messrs. PORTER of Lincoln

KELLEY of Machias

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Lewin.

Mr. LEWIN: Mr. Speaker and Members of the House: I now move that we accept the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Augusta, Mr. Lewin, moves that the House accept the Majority "Ought to pass" Report.

The Chair recognizes the gentleman from Lincoln, Mr. Porter.

Mr. PORTER: Mr. Speaker and Ladies and Gentlemen of the House: Of late we have been hearing and reading that this is a lackadaisical legislature. That is probably true in some areas, but it is not true in one very important area. I am convinced that our sportsmen would say that this has been a very effective legislature because we have passed some very restrictive legislation that is designed to save our deer herd.

Now we are concerned and our sportsmen are concerned and we should be. Quoting from the figures of the Department, five years ago our deer population was 200,000 to 250,000. Last December they estimated it at 108,000. A reduction of over 200,000 to slightly over 100,000 and that was last December before we had this terrific winter.

But we have passed and enacted some very restrictive legislation. You will remember that Senator Moore had a bill presented to us that cut off a half hour off the hunting day, having the season stop each day at sunset rather than a half hour after. Then the gentleman from Southport, Mr. Kelley, shepherded a bill through here that prohibited the shooting of a rifle from or across a black top highway. The week before last we enacted a bill prohibiting the driving of deer. Those three bills being very restrictive were designed to save lives and also to save deer.

Now we have two more steps to take. First, we have to design some sort of a restricted deer season and then we must give the authority to our commissioner to manage the deer herd. At one time a committee report was attached to 1250 giving such authorization to the commissioner. It has been removed and you will find it now in the Omnibus Bill, L. D. 1749. Once we take these two steps I think our job is done on the deer season and the deer herd and I think that we can be proud of our action.

Now we come to the deer season, the bill that is before us. I have objections to that season. The present season as outlined in this bill has been changed somewhat. Instead of designing a deer season that was best for the deer herd and giving some hunting to the hunters, it has now been designed to give as much hunting as possible to the hunters and camp owners and still not injure the deer herd too greatly. I resent these two influences.

Let us look at the northern zone. The season in the northern zone is set for a Monday. That is quite different than we have ever had before. I am old enough to remember when the deer season started

September 1st, later September 15th, later October 1st, and still later October 15th. In this particular time we are not setting a date certain. We are tying it to a Monday. Now why did we do that?

That was for the convenience of our sporting camp owners. They wanted a full week and they were fearful that if the season opened on a Wednesday, for instance, they would not have the out-of-staters here for a full week. So our season has been designed for the convenience and profit of our sporting camp owners.

Now let us look at the southern zone. You will notice this year it will be November 6, next year November 4. Why November 6 and November 4? If you will look on your calendar you will find that those two dates fall on a Saturday. My question is, if Monday is a good opening day in the North, why isn't Monday a good opening day in the south? The answer is given, because it would be inconvenient to the sportsmen.

Our hunters want four Saturdays to hunt in the southern zone. Not what is good for the deer herd but what is good for our hunters. Four Saturdays, plus Thanksgiving, plus the possibility of snow for tracking. I don't think that is a proper procedure.

Now our committee is a practical committee. They have felt the hot breath of their constituents breathing on the backs of their necks and so they have come up with a compromise. I think it is practical. I know it is a compromise and I am convinced that it is as good a compromise as you can get out of our present committee.

This is a beautiful day. I am planning a fishing trip this weekend up in Mr. Bourgoin's delightful country, and I am so good natured that it is pitiful. So I am not going to try to kill this bill. I am not even going to try to amend it. I am going to suggest that this House accept that Committee Report. And I sincerely hope that it is enacted quickly before I change my mind.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I am not quite so kind this afternoon as my good friend from Lincoln is on this document. I noticed in the northern zone we have got five weeks for those gentlemen up there but down in our area we have only got three. I figure if we are going to talk on a little conservation when it comes to our deer herd that perhaps the northern zone should have three weeks just like the southern zone. You know there are a number of people who live below that line that enjoy hunting just as much as they do up north. Perhaps we might even enjoy it more. I would be a little remiss if I didn't get up here today to oppose this Committee Report.

I feel that if we are going to use one area alike we might just as well use the other. I don't question that Mr. Porter is right on the population of our deer herd, so if it is good to eliminate hunting below the southern zone for only three weeks then we should do the same, extend the same courtesy to our cousins up north and protect their herd up there as well for three weeks. So I move for indefinite postponement of both the bill and the reports.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Lewin.

Mr. LEWIN: Mr. Speaker and Ladies and Gentlemen of the House: A great deal of study has gone into the redraft of the original bill. There were many solutions proposed both in the committee and out of the committee. At the present time the law permit six weeks of hunting in the northern zone and four weeks in the southern zone.

This year it is apparent that some changes have to be made to protect our deer herd. A shorter season seemed to be the answer.

It was evident that if such a shorter season was agreed upon then it should take place in both zones. L. D. 1753 does just that. It permits hunting in the northern zone from October 25 to November 27 this year and next year October 23 to November 25.

When we had our committee hearing it was brought out that a shorter season was deemed necessary. However, there were camp owners there who at first opposed it, but when they found out that it was in the best interest to preserving the deer herd, some of them thought that they had to go along with it.

Now in the southern zone I might say November 6 to November 27 is the open date and next year November 4 to November 25.

Now you will note that this period, if you have a calendar handy, includes four Saturdays and a holiday that affords many of our residents an opportunity to hunt.

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

Mr. BOURGOIN: Mr. Speaker and Members of the House: Being the furthest representative from up north, I should like to defend our stand on the deer herd. We get about 10% of the hunting that is being made in the state. We have 69 unorganized townships, some of them haven't got a road in them. We are not being hunted only maybe one tenth of what the southern zone is being hunted.

At the last season the northern zone, which is a good part of the northern part of the State of Maine, had 6,900 deer; while the southern zone, which is very heavily populated, smaller woods, had 24,800 deer killed. So we could stand a lot more hunting.

I would invite Mr. Kelleher of Bangor to come and hunt with us, even if it had to be before his season starts in the southern zone.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker and Members of the House: I would like to inform the gentleman from Bangor that we are a little slower up north getting our deer and it takes us a couple of weeks longer. We don't have any Mr. Brawn or Mr. Porter up there where they can get their deer the first day.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. McLeod.

Mr. McLEOD: Mr. Speaker and Members of the House: There has been a lot of talk around the House lately about lobbyists and what not. I think that the Fish and Game group to try and contest these fellows from up north of Bangor is quite a struggle. I would like to concur with Mr. Kelleher this afternoon. And just to enter a figure here for the moment, this allows 19 days on the coast against 30 in the northern zone. And we do have a few camp owners in Hancock County that start their business on the first of November.

I wish you would give this some serious thought. When you draw up these regulations sometimes, I think with some of these fine gentlemen who are very astute game commissioners in the northern part of the state, they overlook a few of us coasters that have been shooting deer for a few years down there in Hancock County and Washington County. And we also have some sporting camps in around the Grand Lake Stream, over in Eastbrook, and various areas around the country. So I would kind of go along with my row mate here from Bangor, Mr. Kelleher.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: It seems in any discussion of the State of Maine and deer seasons you have got to give thought to several considerations. I think if you were to go up into the northern part of the State of Maine right now you would find a good deal of snow. It is pretty hard to imagine snow down here. You will find the trees are not breaking out into buds yet, and yet they are pretty well leaved out here.

We figure that from where I live, and I am not in the very northern part of the state — between where I live myself and the very southern part of the state there is probably a three week differential in the weather season. The southern part of the

state will get frost along sometimes the middle of October. Frost is common anytime after the first of September in the northern part of the state.

There are a great many aspects to consider on this. The northern zone, which occupies roughly I would say roughly 40% of the state, had a deer kill of only 20%; whereas the southern zone which occupies the other 60% had about an 80% of the overall deer killed of the 31,750 deer that were killed last year.

Now I think also, as I remember, and I attended part of the hearing, it was quite a long hearing, but as I remember the comments that were made at the hearing that three chief wardens from the northern part of the state indicated that they felt that the deer herd was in better shape in the northern part of the state than it was in the southern part of the state. We have had one biologist from the University of Maine who also commented that he feels that this is true.

Another situation that we have in the northern part of the state, and north of the Canadian Pacific tracks, is that probably 60%, two-thirds of that whole area is all wildland, unorganized, heavily forested. There is a large part of that area in which there is almost no populations, the hunting aspects, the weather aspects, every one of these altogether different.

I would think that it would be a mistake. We have always had a different season because of the snow, weather conditions in the northern part of the state to what we have in the southern. I would think that it would be a serious mistake at this time to go along with the indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker and Members of the House. After listening to my good friend from East Millinocket, Mr. Birt, commenting on the percentage of deer shot in the southern zone and the northern zone, maybe that is an indication that perhaps you should have a little conservation up there

and shorten your time for a few weeks, and come done with us.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. McNally.

Mr. McNALLY: Mr. Speaker and Members of the House: I just want the Inland Fish and Game people who think this is a very fair deal to remember that that northern zone has got that dandy little holiday they tell us about that we have down in the southern zone to hunt in. And also they have that extra Saturday that we have.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that both Reports and Bill "An Act Establishing a Statewide Open Deer Season for the First Three Weeks of November," House Paper 906, L. D. 1250, be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you fill vote no.

A vote of the House was taken.

41 having voted in the affirmative and 57 having voted in the negative, the motion did not prevail.

Thereupon, the Majority "Ought to pass" Report was accepted, the New Draft read twice and tomorrow assigned.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Qualifications of Applicants for Examination of Admission to Practice Law" (H. P. 989) (L. D. 1351)

Report was signed by the following members:

Messrs. TANOUS of Penobscot
 QUINN of Penobscot
 — of the Senate.
 Messrs. ORESTIS of Lewiston
 HEWES of Cape Elizabeth
 PAGE of Fryeburg
 KELLEY of Caribou
 Mrs. BAKER of Orrington
 Mr. LUND of Augusta
 Mrs. WHITE of Guilford
 Mrs. WHEELER of Portland
 —of the House.

Minority Report of same Committee on same Bill reporting "Ought to pass" as amended by

Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Mr. HARDING of Aroostook
 — of the Senate.
 Messrs. CARRIER of Westbrook
 HENLEY of Norway
 —of the House.

Reports were read.

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

Mr. ORESTIS: Mr. Speaker, I move acceptance of the Majority "Ought not to pass" Report.

The SPEAKER: The gentleman from Lewiston, Mr. Orestis moves that the House accept the Majority "Ought not to pass" Report.

The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker and Members of the House: I object to the acceptance of the Majority Report. If you have had a chance to look at L. D. 1351, this is one of the bills—it is not a lawyer's bill; it is a bill of compassion. This is what it is.

This bill provides that a fellow, regardless—that a fellow would be allowed to actually make his education, and take the bar exam through a course in correspondence if he has an inabling disease, and specifically polio. Now this bill here was passed in this House four years ago. And at that time they put a limitation on it of four years. This is a repeat bill. And during the course of four years there is one applicant, a fellow by the name of Dean Seguin from — I don't know, Rumford, Mexico, Norway—Norway I think. And anyway, he came—I happened to be at the hearing four years ago, and this fellow crawled up there, and I mean he crawled. He has a hard time to walk. He had the help of two crutches and the help of other people in order to get to the podium. And I tell you, if anybody has any compassion you would have had some for this fellow.

Now at that time they passed the law giving him the right to take the bar exam after the completion of four years on the correspondence course. So the law now will expire unless it is renewed. And

all I did, I put the bill in because I think it is a good bill. The bill has not been abused in four years' time. There is one applicant that took the bar, and he passed.

Now if we are to help the handicapped and the elderly and everybody else, this is one way. This is one way that this fellow has found, has had his education, and actually today he is a very successful lawyer, I think around South Paris or Norway.

This bill, I don't think that although the report shows the other way, that I think this bill deserves consideration. It is of no cost to anybody. At the hearing there was just one from the bar examiners that were against it, and they are against everything anyway. They have got their little dominion, and they want to keep it that way.

So I submit to you that this is a good bill. I ask you to vote against the "Ought not to pass" Report, and then accept the "Ought to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker and Members of the House: I feel I should say a little on this inasmuch as the original bill was my bill of four years ago. Four years ago, if anyone would have asked me, I would have said that I would not have defended the bill again. But in the meantime I have done a lot of studying of the situation. I have checked the law at various times that made it necessary to put in this special legislation, and I have helped produce in this legislature in two sessions — and we are doing more in this session — to legislate special laws that will help our handicapped.

The particular gentleman that took advantage of this law and passed exams happened to have been a graduate of a four year college, but inasmuch as it was not a general liberal arts college, and inasmuch as he had not had two years of law school in a resident school, technically he was not allowed to take the bar exams.

I contended then, as I contend now, that this Legislature, or any legislature can find far better things to do than to build fences

around its professions to the extent that individuals who perhaps are not blessed with the best of health and finances, cannot, through other methods of training and learning, be entitled to take those examinations which allows them a license to practice. And that is exactly what this Legislature did a few years ago.

Consequently, it is well within the power of this Legislature to keep alive such a law as this to allow handicapped, extremely handicapped people such as this young man who in giving his plea before the committee hung on his crutches. But he is now a practicing attorney, a member of the bar association, and a credit to the state.

And as Mr. Carrier has stated, he is the only one in four years that has taken advantage of this. The bill costs the state no money. And I feel that it is good legislation now, and I too hope that you will vote against the Majority "Ought not to pass" and accept the "ought to pass" version of this law.

The SPEAKER: The Chair will order a vote. All in favor of accepting the Majority "Ought not to pass" Report will vote yes; those opposed will vote no.

A vote of the House was taken.

27 having voted in the affirmative and 74 having voted in the negative, the motion did not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted and the Bill was given its two several readings.

Committee Amendment "A" (H-294) was read by the Clerk and adopted and the Bill assigned for third reading tomorrow.

Divided Report Tabled and Assigned

Majority Report of the Committee on Legal Affairs on Bill "An Act to Make Municipal Planning Legislation Consistent with Home Rule" (H. P. 967) (L. D. 1327) reporting same in a new draft (H. P. 1338) (L. D. 1754) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. CLIFFORD

of Androscoggin
QUINN of Penobscot
KELLAM of Cumberland
— of the Senate.

Messrs. CURTIS of Bowdoinham
SILVERMAN of Calais
SMITH of Dover-Foxcroft
CROSBY of Kennebunk
NORRIS of Brewer

— of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Messrs. COTE of Lewiston
BRAUN of Oakland
PECTEAU of Biddeford
— of the House.

Reports were read.

(On motion of Mr. Norris of Brewer, tabled pending acceptance of either Report and tomorrow assigned.)

Divided Report

Majority Report of the Committee on Legal Affairs on Bill "An Act relating to Formation of Multi-community Transit Districts" (H. P. 1164) (L. D. 1609) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. CLIFFORD
of Androscoggin
KELLAM of Cumberland
— of the Senate.

Messrs. COTE of Lewiston
SMITH
of Dover-Foxcroft
BRAUN of Oakland
PECTEAU of Biddeford
NORRIS of Brewer
SILVERMAN of Calais
CURTIS of Bowdoinham
— of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Mr. QUINN of Penobscot
— of the Senate.
Messrs. EMERY of Rockland
GAUTHIER of Sanford
CROSBY of Kennebunk
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, I move that the House accept the Majority "Ought to pass" Report.

Whereupon, Mr. Emery of Rockland requested a division.

The SPEAKER: The gentleman from Brewer, Mr. Norris, moves that the House accept the Majority "Ought to pass" Report. A division has been requested. All in favor of accepting the Majority Report will vote yes; those opposed will vote no.

A vote of the House was taken.

71 having voted in the affirmative and 13 having voted in the negative, the motion did prevail.

The Bill was given its two several readings.

Committee Amendment "A" (H-295) was read by the Clerk and adopted and the Bill assigned for third reading tomorrow.

Divided Report

Majority Report of the Committee on Taxation on Bill "An Act relating to Taxation of Buildings on Leased Land in Unorganized Territory" (H. P. 211) (L. D. 277) reporting same in a new draft (H. P. 1339) (L. D. 1755) under same title and that it "Ought to pass"

Report was signed by the following members:

Mr. WYMAN of Washington
— of the Senate.

Messrs. FINEMORE
of Bridgewater

ROSS of Bath
COTTRELL of Portland
TRASK of Milo
MORRELL of Brunswick
COLLINS of Caribou
DAM of Skowhegan
CYR of Madawaska
DRIGOTAS of Auburn
— of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Messrs. HICHENS of York
FORTIER of Oxford
— of the Senate.
Mr. McCLOSKEY of Bangor
— of the House.

Reports were read.

On motion of Mr. Ross of Bath, the Majority "Ought to pass" Report was accepted.

The New Draft was read twice and tomorrow assigned.

Passed to Be Engrossed

Bill "An Act Amending the Law Relating to Home Rule" (H. P. 814) (L. D. 1087)

Bill "An Act relating to Home Rule Procedure" (H. P. 968) (L. D. 1328)

Bill "An Act relating to Zoning Appeal Procedure" (H. P. 1165) (L. D. 1619)

Resolve to Reimburse Claude W. Day of Skowhegan for Truck Damage Due to Highway Maintenance (H. P. 1000) (L. D. 1362)

Were reported by the Committee on Bills in the Third Reading, Bills read the third time, Resolve read the second time, all passed to be engrossed and sent to the Senate.

Amended Bills

Bill "An Act to Amend the Snowmobile Law" (S. P. 484) (L. D. 1592)

Bill "An Act Defining a Trainee Plumber" (H. P. 781) (L. D. 1047)

Resolve to Reimburse Ronald E. Bickford of Readfield for Property Damage by Highway Construction (H. P. 892) (L. D. 1212)

Resolve to Reimburse Clarence Eldridge of Liberty for Loss of Sheep Killed by Dogs (H. P. 943) (L. D. 1302)

Were reported by the Committee on Bills in the Third Reading, Bills read the third time, Resolves read the second time, all passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

Third Reader Tabled and Assigned

Bill "An Act relating to Preference to Maine Workmen and Contractors" (S. P. 163) (L. D. 485)

Was reported by the Committee on Bills in the Third Reading and read the third time.

The SPEAKER: The Chair recognizes the gentleman from Westfield, Mr. Good.

Mr. GOOD: Mr. Speaker and Members of the House: I have in-

formation from Mr. Slosberg's office that on L. D. 485 two amendments, S-172 and S-158, have conflicting language and he is preparing an amendment to correct this. I hope that someone would set this aside for one day.

Whereupon, on motion of Mr. Ross of Bath, tabled pending passage to be engrossed and tomorrow assigned.

Bill "An Act Phasing out Log Driving in the Inland Waters of the State" (S. P. 451) (L. D. 1297)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Senate Amendment "A" and sent to the Senate.

Engrossed in Non-Concurrence

Bill "An Act Increasing Salaries of Justices of the Supreme Judicial Court and the Superior Court" (S. P. 392) (L. D. 1170)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Committee Amendment "B" in non-concurrence and sent up for concurrence.

Passed to Be Enacted Emergency Measure

An Act Appropriating Funds for the Completion of Renovating Kuppelian Hall, Pineland Hospital and Training Center (H. P. 409) (L. D. 536)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 104 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Finally Passed Constitutional Amendment

Resolution Proposing an Amendment to the Constitution Pledging Credit of the State and Providing for the Issuance of Bonds not Exceeding Four Million Dollars for Loans for Maine Students in Higher Education (S. P. 285) (L. D. 845)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment and a two-thirds vote of the House being necessary, a total was taken. 100 voted in favor of same and 7 against, and accordingly the Resolution was finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act relating to Costs of Investigation Where Permanent Injunction is Issued and Proceedings by the Attorney General under Unfair Trade Practices Law (S. P. 331) (L. D. 978)

An Act relating to Service Retirement of Law Enforcement Officers in the Departments of Sea and Shore Fisheries and Inland Fisheries and Game (S. P. 415) (L. D. 1231)

An Act relating to Committees on Status of Women, Children and Youth, and the Aged (H. P. 477) (L. D. 618)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

Enactor

Tabled and Assigned

An Act Establishing a Human Rights Commission (H. P. 507) (L. D. 659)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker, I would respectfully ask that this be tabled for one legislative day.

The SPEAKER: The gentleman from Lubec, Mr. Donaghy, moves that item 6, L. D. 659, be tabled for one legislative day, pending passage to be enacted.

Whereupon, Mr. McTeague of Brunswick requested a division on the tabling motion.

The SPEAKER: A vote has been requested on the tabling motion. All in favor of this matter being tabled for one legislative day pending passage to be enacted will vote yes; those opposed will vote no.

A vote of the House was taken. 53 having voted in the affirmative and 49 having voted in the negative, the motion did prevail.

An Act relating to Transportation of Seriously Injured People Directly to a Hospital (H. P. 1051) (L. D. 1443)

An Act to Amend the Ogunquit Village Corporation Charter to Equitably Allocate School and Other Common Costs with the Town of Wells (H. P. 1092) (L. D. 1480)

An Act Providing for the Protection of Coastal Wetlands (H. P. 1299) (L. D. 1704)

Finally Passed

Resolve Providing Funds for Development of Fort Point State Park, Stockton Springs (H. P. 799) (L. D. 1072)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, Bills passed to be enacted. Resolve finally passed, all signed by the Speaker and sent to the Senate.

Orders of the Day

The Chair laid before the House the first tabled and today assigned matter:

SENATE REPORT — "Ought to pass" in New Draft — Committee on Agriculture on Bill "An Act Establishing Licensing for the Marketing of Potatoes" (S. P. 401) (L. D. 1117) — New Draft (S. P. 574) (L. D. 1718) under same title. In Senate, report accepted.

Tabled — May 17, by Mr. Bragdon of Perham.

Pending — Acceptance in concurrence.

Thereupon, the "Ought to pass" Report was accepted in concurrence. The New Draft was given its two several readings and tomorrow assigned.

The Chair laid before the House the second tabled and today assigned matter:

HOUSE REPORT — "Ought to pass" in New Draft — Committee on Veterans and Retirement on Bill "An Act relating to Service Retirement of Teachers under State Retirement System" (H. P. 625) (L. D. 835) — New Draft —

(H. P. 1329) (L. D. 1743) under same title.

Tabled — May 17, by Mr. Rollins of Dixfield.

Pending — Acceptance.

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: This bill, L. D. 835, was heard before the Veterans and Retirement Committee. They felt there was merit in it, but the question, of course, was how it should be funded. They finally came out with a report in place of the bill. The House Chairman of the Education Committee believes that he can introduce an amendment to the bill in the third reading that will meet with your approval. I therefore move that the bill be substituted for the report.

The SPEAKER: The gentleman from Dixfield, Mr. Rollins, moves that the House substitute the Bill for the Report.

The Chair recognizes the gentlewoman from Bethel, Mrs. Lincoln.

Mrs. LINCOLN: Mr. Speaker, Ladies and Gentlemen of the House: L. D. 835 has been quite a problem to the committee. It is a very good bill; it is a fair bill. We had three alternatives. We could either bring the bill out with the money coming from the General Fund, which would amount to either \$2 million or \$4 million, depending upon whether you brought the money down from 1/70 to 1/60 or 1/50.

We felt that this would be rather useless since we didn't have this kind of money, so we thought that we would not bring it out with the money angle.

The other alternative was to bring it out and have all those on the active pension fund contribute one percent. That would mean your state employees and your teachers, and we were afraid there would be quite a howl from the state employees.

The other alternative was to bring it out as we have in a new draft in 1743, with the active teachers paying more in contribution. Their share would be 1.90 which would bring it up to 6.90 percent.

Now we understand there is quite a bit of feeling in this. They don't feel that they should do it. However, the committee has brought it out. It is up to you people what you do. We feel that the bill should be passed in one form or another.

Thereupon, on motion of Mr. Birt of East Millinocket, tabled pending the motion of Mr. Rollins of Dixfield to substitute the Bill for the Report and specially assigned for Friday, May 21.

The Chair laid before the House the third tabled and today assigned matter:

HOUSE DIVIDED REPORT — Majority (10) "Ought to pass" — Minority (3) "Ought not to pass" — Committee on Transportation on Bill "An Act Granting Snow Plowing and Removal Equipment on the Right of Way" (H. P. 789) (L. D. 1065)

Tabled — May 17, by Mr. Whitson of Portland.

Pending — Motion of Mr. Wood of Brooks to accept Majority Report.

Thereupon, the Majority "Ought to pass" Report was accepted, the Bill read twice and tomorrow assigned.

The Chair laid before the House the fourth tabled and today assigned matter:

An Act Creating Piscataquis County Commissioner Districts (H. P. 1279) (L. D. 1679)

Tabled — May 17, by Mr. Trask of Milo.

Pending—Passage to be enacted.

On motion of Mr. Porter of Lincoln, retabled pending passage to be enacted and specially assigned for Friday, May 21.

The Chair laid before the House the fifth tabled and today assigned matter:

Bill "An Act Permitting Trials for Petty Offenses Without a Jury" (H. P. 1305) (L. D. 1711)

Tabled — May 17, by Mr. Lund of Augusta.

Pending — Passage to be engrossed.

On motion of Mr. Orestis of Lewiston, retabled pending passage to be engrossed and specially assigned for Friday, May 21.

The Chair laid before the House the sixth tabled and today assigned matter:

Bill "An Act relating to Steel Guardrails on the Maine Turnpike" (H. P. 619) (L. D. 830) — In House, passed to be engrossed as amended by House Amendment "A" (H-247) — In Senate, passed to be engrossed as amended by Senate Amendment "A" (S-170) and Senate Amendment "B" (S-171) in non-concurrence.

Tabled — May 18, by Mr. Porter of Lincoln.

Pending — Motion of Mr. Lizotte of Biddeford to recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. Crosby.

Mr. CROSBY: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday this bill was tabled in order that an opinion might be obtained from the Attorney General's office. That opinion is available now and I would like to read it into the record. It is addressed to me.

"This office has reviewed the above reference legislative document in order to determine whether there are any constitutional problems with respect to this legislative document, as amended.

The legislative document as originally drafted proposed that the Maine Turnpike Authority erect and maintain steel guardrails in the median strip on the turnpike from Kittery to August. Two of the proposed amendments to L. D. 830 (H-247 and S-170) contemplate that either guardrails or safety barriers be erected before a certain date. It is the addition of a date by which the barriers or guardrails will have to be erected that gives us particular reason to consider whether or not such a requirement violates the provisions of the Constitution of Maine relating to impairment of the obligation of contracts.

The Maine Constitution, Article I, Section 11 provides:

'The Legislature shall pass no bill of attainder, ex post facto law, nor law impairing the obligation of contracts, and no attainder shall work corruption of blood nor forfeiture of estate.'

The Maine Turnpike Authority is a creature of statute having been established by the Maine Legislature by Chapter 69 of the Private and Special Laws of 1941. The Authority is bound to disburse its funds according to the terms of the Trust Indenture. For example, payment of interest on bonds and redemption of bonds when due would have a priority of payment from revenues collected from tolls. A question can properly be raised as to whether any legislation which would divert revenues of the Authority contrary to the terms of the Trust Indenture would be in violation of the reference constitutional provision. We think there is a potential constitutional problem if the Turnpike Authority is required before a certain date to erect guardrails, or safety barriers. This is not to say that the Authority cannot erect guardrails, the cost of which would be financed from revenues. It is to say, however, that it does not appear that the legislature can properly limit the time in which the Authority must act.

We, therefore, express grave doubts as to the constitutionality of the reference legislative document as amended by either H-247 or S-170.

Nothing contained in the foregoing statements should be considered in any way comments upon the merits of the proposed legislation."

Therefore, Mr. Speaker, I move that this bill and all of its accompanying papers be indefinitely postponed.

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

Mr. LIZOTTE: Mr. Speaker, Ladies and Gentlemen of the House: Unlike many Attorney General opinions, this one does not say that this bill is unconstitutional. It merely says there is a potential constitutional problem. Every complicated document that is passed upon in this House can be considered potentially unconstitutional. But to permit the vague language of an Attorney General's opinion to taint this bill would be clearly improper.

I have consulted attorneys who claim that the Attorney General is wrong, and if there is a potential constitutional problem, although I say there is not, then let us handle the matter in court at the proper time.

It seems very strange to me that we can legislate laws to private business. As example, when a private business builds a million dollar motel, we tell him that he cannot open his doors until he has gone through an added expense of installing a 20 to 30 thousand dollar sprinkler system. Then why can't we legislate to the Maine Turnpike Authority which is, ladies and gentlemen, a private business?

I am very surprised to see that we have some people opposed to such a good piece of safety. We are all here to try in one way or another to protect our people. I hope you will all join with me and vote to recede and concur with the other body. And, Mr. Speaker, when the vote is taken, I would ask that it be by the yeas and nays.

The SPEAKER: The Chair would advise the House that this is a non-concurrent matter. The only motions acceptable are recede and concur, insist and adhere.

The Chair recognizes the gentleman from Portland, Mr. Vincent.

Mr. VINCENT: Mr. Speaker, Ladies and Gentlemen of the House: It was mentioned that the Maine Turnpike Authority is a creature of the legislature and as such I would think that we would be responsible for some of its safety. Setting time limits doesn't go without precedent. On the federal level the members of Congress have dictated that we shall clean up the streams and rivers in this country by the year 1976. They have also made it mandatory that safety devices for smog be placed upon cars by the year 1975. So I think that in a court ruling the courts would rule in favor with us, the members of the legislature, if we so wish to erect safety barriers along the Maine Turnpike.

This piece of paper was handed out this morning on the number of accidents that have occurred on the turnpike and north of Augusta. It is interesting to note that there

are quite a few accidents below as well as above the Augusta toll booth.

With the number of accidents indicated here it would be one more reason for voting in favor of having a safety barrier placed along the center strip on the turnpike. It would be a good idea in the future also to have something placed upon Interstate 95 between Brunswick and Portland as there are many unsafe corners and turns upon that road as I travel back and forth.

I would hope that you would defeat the motion, if it has been made or placed for indefinite postponement, and go along with the motion that is pending before the floor, to recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Albion, Mr. Lee.

Mr. LEE: Mr. Speaker and Ladies and Gentlemen of the House: It has been mentioned that the Maine Turnpike is a private concern. Now this may be true. It was established by the legislature for the purpose of building and maintaining a road. But when the bond has been paid off this becomes the property of the state right then. So it is part of the state highway system.

I had distributed on your desks some information I had Lieutenant Jones get for us concerning accidents. It speaks for itself. There were more accidents per mile on what we consider a better type of highway north of us than there is south of us. I am not against a guardrail on the turnpike. I think someday it is going to be there. But it should be of a better type than what is proposed. It should be on the inside, right beside the pavement, not down in the middle of the median strip. Engineering-wise that is a poor place for it.

I would hope we would defeat this motion to recede and concur so that we could adhere or indefinitely postpone.

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

Mr. SHELTRA: Mr. Speaker and Members of the House: According to the amendments that were brought forward by the Sen-

ate, this bill has been watered down considerably. When we voted on it prior, it contained or insisted upon a steel guardrailing. Now the language is such that it should be palatable to anyone concerned, because we now speak of a safety barrier. This could be a ditch; this could be a mound; it could be anything to their choosing, so long as the barrier is built.

We are concerned, and we are talking about the safety of our own people. And this we are all responsible for. Insofar as the letter that came forth through the Attorney General's office, the language is such that it reads we think, and we doubt. This doesn't seem to be a very sound decision to me. I think that we should go along with this bill. Our people deserve it, and God knows safety is most important to all our citizens.

Insofar as the statistics that we have read about, or this chart, I think we all know that the weather has to play a great part in the difference of accidents that might be contained as opposed from one end of the state to the other. I see conditions prevail a lot more and a lot longer in the north than they do in the south. So this here, again, is just a play on statistics.

I hope that you will vote against indefinite postponement of this bill for the safety of our constituency.

The SPEAKER: The Chair would advise the gentleman and the House that the pending question is on the motion of the gentleman from Biddeford, Mr. Lizotte, that the House recede and concur.

The Chair recognizes the gentleman from Mexico, Mr. Fraser.

Mr. FRASER: Mr. Speaker and Ladies and Gentlemen of the House: There is no doubt in my mind about everyone's desire for safety. But to me this amendment obliging the Turnpike Authority to erect these guardrails in a year and a half, I think is a very short time. A job like that would have to be hurried, and besides I believe that they are doing all they can now for public safety.

Therefore, if it is possible, I would like to move for indefinite postponement of both of these—

The SPEAKER: The motion is not in order.

Mr. FRASER: Then I move we adhere.

The SPEAKER: The pending question is to recede and concur, which has priority.

The Chair recognizes the gentleman from Biddeford, Mr. Lizotte.

Mr. LIZOTTE: Mr. Speaker and Ladies and Gentlemen of the House: In Senate Paper 170, it says that the Maine Turnpike has until December 31, 1974. This gives them over three years to do this in, and I think this is more than sufficient.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker, parliamentary inquiry please.

The SPEAKER: The gentleman may state his inquiry.

Mr. DONAGHY: Mr. Speaker, if we kill the recede and concur, does that mean that we then can indefinitely postpone the bill?

The SPEAKER: The answer is in the negative. There are four motions in a non-concurrent matter that are in order: recede, concur, insist and adhere.

The Chair recognizes the gentleman from Mexico, Mr. Fraser.

Mr. FRASER: Mr. Speaker and Members of the House: My amendment H-247 gives the time as December 31, 1973, not '74.

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: One question that is still apparently confusing to me and perhaps to other members is the amendment that was imposed in the other body, as to whether or not it is '71 or '74. I wonder if the Clerk could so inform the Members of the House.

The SPEAKER: The Chair would inform the Members of the House that the Senate indefinitely postponed House Amendment "A". They passed the Bill to be engrossed as amended by Senate Amendments "A" and "B" in non-concurrence. Senate "A" is S-170, and the date is 1974.

The pending question is to recede and concur on Bill "An Act relating to Steel Guardrails on the Maine Turnpike," House Paper 619, L. D. 830. If you are in favor of receding and concurring you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEAS: Albert, Ault, Bailey, Be-
dard, Berube, Binnette, Boudreau,
Bourgoin, Brawn, Carrier, Carter,
Clemente, Conley, Cooney, Curran,
Cyr, Dam, Dow, Doyle, Drigotas,
Dyar, Emery, D. F.; Emery, E.
M.; Farrington, Faucher, Fecteau,
Gagnon, Genest, Good, Goodwin,
Hancock, Kelleher, Kelley, P. S.;
Kilroy, Lawry, Lebel, Lincoln, Liz-
otte, Lucas, Lund, Lynch, Maddox,
Manchester, Martin, McCloskey,
McTeague, Millett, Mills, Murray,
O'Brien, Orestis, Ross, Santoro,
Sheltra, Simpson, T. R.; Slane,
Smith, D. M.; Smith, E. H.; Still-
ings, Tanguay, Tyndale, Vincent,
Webber, Wheeler, Whitson.

NAYS: Baker, Barnes, Bartlett,
Bernier, Berry, G. W.; Berry, P.
P.; Birt, Bither, Bragdon, Brown,
Bunker, Call, Churchill, Clark, Col-
lins, Cottrell, Crosby, Cummings,
Curtis, A. P.; Curtis, T. S., Jr.;
Donaghy, Evans, Finemore, Fras-
er, Hall, Hardy, Hawken, Hayes,
Henley, Herrick, Immonen, Kelley,
R. P.; Keyte, Lee, Lewin, Lewis,
Littlefield, MacLeod, Mahany,
Marsh, Marsteller, McCormick,
McNally, Morrell, Mosher, Norris,
Page, Parks, Payson, Porter,
Pratt, Rand, Rollins, Scott, Shaw,
Shute, Silverman, Simpson, L. E.;
Susi, Theriault, White, Wight, Wil-
liams, Wood, M. W.; Wood, M. E.;
Woodbury.

ABSENT: Bustin, Carey, Cote,
Dudley, Gauthier, Gill, Hanson,
Haskell, Hewes, Hodgdon, Jalbert,
Jutras, Kelley, K. F.; Lessard, Mc-
Kinnon, Pontbriand, Rocheleau,
Starbird, Trask.

Yes, 65; No, 66; Absent 19.

The SPEAKER: Sixty-five hav-
ing voted in the affirmative, sixty-
six in the negative, with nineteen
being absent, the motion to recede
and concur does not prevail.

The Chair recognizes the gentle-
man from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker, I move
we insist and ask for a Committee
of Conference.

The SPEAKER: The gentleman
from Bath, Mr. Ross, moves the
House insist and ask for a Com-
mittee of Conference. Is this the
pleasure of the House?

(Cry of "No")

The SPEAKER: The Chair will
order a vote. All in favor of insist-
ing and asking for a Committee
of Conference will vote yes; those
opposed will vote no.

A vote of the House was taken.

102 having voted in the affirma-
tive and 22 having voted in the
negative, the motion did prevail.

The Chair laid before the House
the seventh tabled and today
assigned matter:

Bill "An Act Providing for a
Declaration of Policy Concerning
the State's Environment" (H. P.
1301) (L. D. 1706) — In Senate,
passed to be engrossed.

Tabled — May 18, by Mr. Susi
of Pittsfield.

Pending — Adoption of House
Amendment "A" (H-288)

The SPEAKER: The Chair
recognizes the gentleman from
Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker and
Ladies and Gentlemen of the
House: As you recall yesterday, we
went through some parliamentary
questions as to what we could or
could not do with this L. D. After
the session yesterday afternoon I
spent some time going between
legislative bodies and also between
the Speaker's office and also to
the State Government Committee.

For the most part I think most
people on the State Government
Committee are satisfied with the
motion that I am about to make
— and basically it is a motion to
recommit, with perhaps instruc-
tions that they simply vote on the
amendment that we have got so
that we don't get ourselves
entangled up in any parliamentary
controversy.

And so, Mr. Speaker, I would now move that we recommit this Bill to the Committee on State Government.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, moves that L. D. 1706 be recommitted to the Committee on State Government.

The Chair recognizes the gentleman from Hope, Mr. Hardy.

Mr. HARDY: Mr. Speaker and Ladies and Gentlemen of the House: As I explained yesterday, this matter before us was formerly L. D. 1020, and it came from the State Government Committee as two reports. And they were numbered 1705 and 1706. We here in the House indefinitely postponed both reports. However, the other body saw fit to accept the 1706 report which was the statutory report.

Having killed 1705 in the House, having killed 1705 in the Senate, I strongly object to reviving 1705, the constitutional amendment.

Therefore, I would move the indefinite postponement of that section before us now numbered House Amendment "A", H-228.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: As you well recall —

The SPEAKER: The Chair would interrupt the gentleman just for a moment to inform the House that recommitting is a high priority motion, and this is the motion pending. The gentleman may proceed.

Mr. MARTIN: Thank you, Mr. Speaker. Yesterday I made an attempt to offer an amendment to what was then or is now L. D. 1706 which is presently before us. The gentleman from Hope, Mr. Hardy, informed me that a few rules prevented me from doing that.

What I am now trying to do is to get ourselves untangled in such a way that we can bring this back to us so that we can vote up or down the amendment that was suggested yesterday by me. As I have pointed out earlier, all but one member of the State Government Committee, reluctantly per-

haps, agreed to this procedure. And I say reluctantly, because of course they are concerned about the bills that they have got in front of them.

I would hope, therefore, that we would let this be recommitted and all they will have to do will be to vote on a new redraft, and then bring it back in front of us. And that is all that we are talking about.

Now when I went before the State Government Committee yesterday afternoon, I believe there were ten members there. Some of you may not have been there. And as I recall, reluctantly all but one agreed to this procedure. And that, of course is the gentleman from Lubec, Mr. Donaghy.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I don't understand anyone saying that I don't agree with things.— My recollection of what happened yesterday afternoon are quite different and I think some of the other members of the committee will back me up on this. I remember telling the gentleman from Eagle Lake that he was very articulate, very charming, but the State Government Committee had already studied this. We had put out in two reports that some of us were still committed to Report "B" which would put in the statutes, and I saw no reason for coming back. And I recall no vote being taken.

I think that I could cite at least three people here who will concur with this as far as the committee is concerned. I hope you do not send it back to the committee.

The SPEAKER: The Chair recognizes the gentleman from Webster, Mr. Cooney.

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: If we are polling the State Government Committee, I for one am perfectly willing to see the bill recommitted to the committee. I think it is a reasonable thing to do under the circumstances.

The SPEAKER: The pending question is on the motion of the gentleman from Eagle Lake, Mr.

Martin, that this Bill "An Act Providing for a Declaration of Policy Concerning the State's Environment," House Paper 1301, L. D. 1706, be recommitted to the Committee on State Government in non-concurrence. All in favor of this matter being recommitted to the Committee on State Government will vote yes, those opposed will vote no.

A vote of the House was taken. 73 having voted in the affirmative and 46 having voted in the negative, the motion did prevail. Sent up for concurrence.

The Chair laid before the House the eighth tabled and today assigned matter:

HOUSE DIVIDED REPORT — Majority (10) "Ought not to pass" — Minority (3) "Ought to pass" — Committee on Public Utilities on Bill "An Act relating to Complaints Against Public Utilities" (H. P 1175) (L. D. 1633)

Tabled — May 18, by Mr. Susi of Pittsfield.

Pending — Motion of Mr. Williams of Hodgdon to accept the Majority Report.

The SPEAKER: The Chair recognizes the gentleman from Hodgdon, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Members of the House: The Public Utilities Committee held a hearing on this bill. It had no real support except the sponsor. In no case was there any hardship shown. The Public Utilities Commission appeared against this bill. They were disturbed by this bill. The Commission told us that at present they have between 900 and 1,000 written complaints each year about various utilities, perhaps four or five every day. At present they follow up each one of these and in most cases resolve the problem in a few days.

In case the complaint is serious enough to be signed by ten persons, they hold a public hearing before an examiner at once. This happens perhaps ten times a year. In case you have made a written complaint which has not been resolved, it should not be too hard to get nine neighbors to sign with you and then you would get a public hearing. This has been the pro-

cedure for years and has worked well. The present bill calls for a public hearing on every complaint, which could amount to a thousand per year.

Now just imagine the chaos of having to hold a public hearing because somehow Aunt Hannah got cut off the telephone line in the middle of a debate on how to cook fiddlehead greens, or when the falling tree happened to black out Wytopotlock for a few hours.

They also told us they couldn't possibly implement a bill such as this without a substantial increase in personnel. In which case it would need a substantial appropriation, which I am very sure would die on the Appropriation table.

I hope the House will go along with the Majority 10 to 3 Report of "Ought not to pass" of the Public Utilities Committee.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. DYAR: Mr. Speaker and Members of the House: I am not sure that this bill will do what it says it will do, I feel there is an attempt being made here to alleviate a situation such as happened in the little Town of Weld this past year. It would be well worth the effort to bring the Public Utilities Commission on the line in at least hearing what the people have to say. Possibly if the Public Utilities Commission had come into the little Town of Weld and taken action and listened to the people, there might be three children alive today.

I hope you will vote against the "ought not to pass" motion.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Kelley.

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: L. D. 1633 is an important and needed consumer protection bill. I would urge the House members today to vote against the Majority "Ought not to pass" Report.

Besides the merits of the bill, I urge you to vote against the Majority Report to allow me the opportunity to introduce in the third reading an amendment

which I received this morning. That amendment is filing number H-300. The amendment will allow a customer of a gas, electric or telephone company to first make a complaint directly to the utility involved. The customer could complain where he feels that his service has been arbitrarily cut off, or where his service could be initiated without good cause, or where his service could be faulty. The amendment would not apply where a customer's service was cut off because the customer owes the utility some money for a back bill.

Now the procedures set forth in this amendment are quite moderate. They place the burden of correcting the customer's complaint directly on the utility at the first stage.

The customer would file a written complaint directly with the utility who would then have its complaint office investigate the complaint. Within seven days after the investigation, the utility would then give the customer a written notice of its decision. Within seven days after that notice, the customer could then notify the PUC in writing of his appeal from the decision.

The PUC would then investigate the complaint, and if it felt that the complaint was frivolous it wouldn't go any further. It would just dismiss the appeal. On the other hand, if the PUC feels that a temporary order is required prior to its final decision, it could issue one. After the investigation the PUC would render its decision and make such orders as it feels necessary to enforce this decision.

This bill is obviously designed for the protection of consumers, and over the past several years there have been serious problems which brought about the introduction of this bill.

As Mr. Dyar pointed out, many of you are aware of the Weld Telephone case in which three children were burned to death. In that case several written complaints had been made to the PUC by Weld residents. And it is my understanding that some of these complaints were concerned with the long delays in making emergency calls. A fire did occur. An

attempt was made to call the fire department. The telephone call did not go through to the fire department, which I understand was a short distance from the burning house. The failure of the fire department to be contacted by phone probably resulted in the death of the three children.

This is the type of catastrophe my bill and amendment would seek to prevent. And in this age when both our state government and our federal government are properly concerned with consumer protection, I would hope that you would favorably consider this bill. This is a necessary bill and one which is very much in the public interest. When the vote is taken I would ask it be by a roll call.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Emery.

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: As a minority signer of this bill, and I believe it is a good bill, the bill before us is designed to give the rate-paying public a chance to obtain justice on reasonable complaints against public utilities.

I believe that at one time or another most of us have experienced some frustration because of the failure of one or more of the many public utilities serving us to render a reasonable service, whether it was electric, gas, telephone, water districts, bus service or other utilities.

You all are aware of our gas leakage problems in Lewiston and Auburn, Bangor and other areas of Maine. You must also be aware of the sometimes inadequate service from power, telephone and other companies.

The present system of complaints against a utility usually is ignored and delays experienced and reasonable repair requests are held up for some lengthy period while the frigidaire or freezer defrosts, food is spoiled, or the phone doesn't work.

Just a year ago last December I know of one area where the power lines of two branches of a power company separated by only one hundred yards suffered a loss of

power on one side of one branch. But instead of temporarily connecting the two lines of the same voltage, the power company set back and let the people in one area have flooded basements, no heat for small children and family alike, and let people just suffer for four or more days during the late fall with snow, ice and so forth.

In the area of gas service, we know about gas leaks in valves and lines, but how about repairs? Certainly after explosive readings were reached, but just a few weeks ago, when the gas utility serving southern Maine wanted a rate hike of 10 percent, it was granted. Instead of the PUC holding hearings when and where the working public could attend, they chose to hold them in Augusta at an improper time and place and inconvenient to the general public.

The utilities have set back with their expensive attorneys and knowingly, all smiles, usually get their way. The public suffers.

Phone complaints — I can cite an experience that happened to me and my wife. I called the phone company for the past four years complaining about obscene calls. In my area as a councilman I expect calls. I expect to get reprimanded this way and that way. But when people start cursing my wife, that is a little bit too much. I went over to the phone company, the phone company says, "You should keep a log of the calls." Well, we got no satisfaction. And he said, "If you can get ten people in the area to sign a complaint, we will check into it." Well ten people didn't get obscene calls, we did.

Now this is only one of the various areas that should be corrected. I believe that it is high time that the public was looked after. The little people are more numerous than the affluent, and as responsible legislators I believe we should give this bill its reading today to allow an amendment.

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Hodgdon, Mr. Williams, that the House accept the Majority "Ought not to pass" Report on Bill "An Act relating to Complaints Against Public Utilities." House Paper 1175, L. D. 1633. If you are in favor of accepting the Majority Report you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Ault, Baker, Bartlett, Bernier, Berube, Birt, Bither, Bragdon, Brawn, Brown, Bunker, Call, Churchill, Clark, Collins, Conley, Crosby, Donaghy, Dow, Evans, Finemore, Gagnon, Hall, Hardy, Haskell, Hawkens, Hayes, Herrick, Immonen; Kelleher, Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, Lund, MacLeod, Maddox, Marsh, Marsteller, McNally, Millett, Morrell, Mosher, Norris, Page, Payson, Porter, Pratt, Rand, Rollins, Ross, Scott, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Williams, Wood, M. W.; Woodbury, the Speaker.

NAY — Albert, Bailey, Barnes, Bedard, Berry, G. W.; Berry, P. P.; Binnette, Boudreau, Bourgoin, Carrier, Carter, Clemente, Cooney, Cottrell, Cummings, Curran, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Dam, Doyle, Drigotas, Dyar, Emery, D. F.; Emery, E. M.; Farrington, Faucher, Fecteau, Fraser, Genest, Good, Goodwin, Hancock, Kelley, P. S.; Keyte, Kilroy, Lawry, Lebel, Littlefield, Lizotte, Lynch, Mahany, Manchester, Martin, McCloskey, McCormick, McTeague, Mills, Murray, Orestis, Parks, Sheltra, Slane, Smith, E. H.; Starbird, Stillings, Tanguay, Theriault, Vincent, Webber, Wheeler, White, Whitson.

ABSENT — Bustin, Carey, Cote, Dudley, Gauthier, Gill, Hanson, Henley, Hewes, Hodgdon, Jalbert, Jutras, Kelley, K. F.; Lessard, Lucas, McKinnon, O'Brien, Pontbriand, Rocheleau, Santoro, Smith, D. M.; Susi, Trask, Tyndale, Wight, Wood, M. E.

Yes, 62; No, 63; Absent, 26.

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

Thereupon, the Minority "Ought to pass" Report was accepted, the Bill read twice and tomorrow assigned.

The Chair laid before the House the ninth tabled and today assigned matter:

SENATE REPORT — Leave to Withdraw — Committee on State Government on Bill "An Act relating to Actions by the Attorney General for Injury to Tribal Lands" (S. P. 364) (L. D. 1103) — In Senate, read and accepted. — In House, read and accepted.

Tabled — May 18, by Mr. Donaghy of Lubec.

Pending — Motion of Mr. Martin of Eagle Lake to reconsider.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House. This body and the body down the hall have both accepted the Leave to Withdraw Report. Perhaps there needs to be a little explanation on this. It seems as though the bill itself brought about a conflict in that the Attorney General would not only have to defend the Indians but he would have to defend the State of Maine in the case of a suit brought by the Indians. And he just couldn't do both things.

So as I recall, the sponsor said she didn't care what we did with the bill, so we gave it a Leave to Withdraw, which I thought was a more gentlemanly thing to do than give a unanimous "ought not to pass," which I am quite sure was the will of the committee other than the fact that we would have

liked to give her the opportunity to withdraw if she wanted to. So I hope you will go along with your previous acceptance.

The SPEAKER: The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that the House reconsider its action whereby it accepted the Leave to Withdraw Report.

The Chair recognizes the gentleman from Bangor, Mrs. Doyle.

Mrs. DOYLE: Mr. Speaker and Ladies and Gentlemen of the House: I spoke to the sponsor of this bill yesterday and it was my understanding that she did not give consent for Leave to Withdraw. Therefore I would like to move that this matter be recommitted to the Committee on State Government.

The SPEAKER: The pending motion is to reconsider and it must be decided.

The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker and Members of the House: I am sure that none of us want to be here all summer. There is no question but what it is a poorly drawn bill. We tried to be gentlemen and say you may withdraw the bill rather than have it killed. I would hope that the House would go along with this and not reconsider it.

The SPEAKER: The Chair will order a vote. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

24 having voted in the affirmative and 84 having voted in the negative, the motion to reconsider did not prevail.

(Off Record Remarks)

On motion of Mr. Donaghy of Lubec,

Adjourned until nine o'clock tomorrow morning.