

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Sixteenth Legislature
OF THE
State Of Maine

VOLUME I

FIRST REGULAR SESSION

House of Representatives
December 2, 1992 to May 13, 1993

ONE HUNDRED AND SIXTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
36th Legislative Day
Tuesday, April 6, 1993

Secretary of the Senate

Was read and ordered placed on file.

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

Prayer by Pastor Mark W. Lunn, Calvary Baptist Church, Westfield.

The Journal of Monday, April 5, 1993, was read and approved.

The following Communication:

Maine State Senate
Augusta, Maine 04333

April 5, 1993

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

April 5, 1993

The Honorable John L. Martin
Speaker of the House
116th Legislature
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Fisheries and Wildlife, Gene L. Brown of Durham for reappointment to the Inland Fisheries and Wildlife Advisory Council.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

The Honorable John L. Martin
Speaker of the House
116th Legislature
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Energy and Natural Resources, the following:

Richard P. Bentzel of Fairfield for reappointment to the Sludge & Residuals Utilization Research Foundation.

Franklin P. Eggert of Verona Island for reappointment to the Sludge & Residuals Utilization Research Foundation.

Rodney L. McCormick of Hallowell for appointment to the Sludge & Residuals Utilization Research Foundation. Rodney L. McCormick is replacing Esther Lacognata.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

Maine State Senate
Augusta, Maine 04333

April 5, 1993

The Honorable John L. Martin
Speaker of the House
116th Legislature
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Education, Bridget Healy of Freeport for appointment to the Maine Technical College System Board of Trustees.

Sincerely,

S/Joy J. O'Brien

Bill "An Act Allowing Participating Local Districts to Determine Eligibility in the Maine State Retirement System" (S.P. 387) (L.D. 1182)

Came from the Senate, referred to the Committee on **Aging, Retirement and Veterans** and Ordered Printed.

Was referred to the Committee on **Aging, Retirement and Veterans** in concurrence.

Bill "An Act Creating the Maine Budget and Economic Stabilization Fund" (S.P. 386) (L.D. 1167)

Came from the Senate, referred to the Committee on **Appropriations and Financial Affairs** and Ordered Printed.

Was referred to the Committee on **Appropriations and Financial Affairs** in concurrence.

Bill "An Act to Increase Access to Primary Care by Redefining the Practice of Advanced Nursing" (S.P. 390) (L.D. 1185)

Came from the Senate, referred to the Committee on **Business Legislation** and Ordered Printed.

Was referred to the Committee on **Business Legislation** in concurrence.

Bill "An Act Regarding Hunting of Deer with Muzzle Loaders" (S.P. 384) (L.D. 1165)

Came from the Senate, referred to the Committee on **Fisheries and Wildlife** and Ordered Printed.

Was referred to the Committee on **Fisheries and Wildlife** in concurrence.

Bill "An Act to Clarify Relevant Information in Administrative Rule-making Procedures" (S.P. 383) (L.D. 1164)

Came from the Senate, referred to the Committee on **Judiciary** and Ordered Printed.

Was referred to the Committee on **Judiciary** in concurrence.

Bill "An Act Concerning Independent Contractors under the Workers' Compensation Laws" (EMERGENCY) (S.P. 389) (L.D. 1184)

Came from the Senate, referred to the Committee on **Labor** and Ordered Printed.

Was referred to the Committee on **Labor** in concurrence.

Bill "An Act Establishing Weapons License Reciprocity" (S.P. 388) (L.D. 1183)

Came from the Senate, referred to the Committee on **Legal Affairs** and Ordered Printed.

Was referred to the Committee on **Legal Affairs** in concurrence.

Bill "An Act to Provide for Excise Tax Reimbursement to Businesses Engaged in Renting of Private Passenger Motor Vehicles" (S.P. 385) (L.D. 1166)

Came from the Senate, referred to the Committee on **Taxation** and Ordered Printed.

Was referred to the Committee on **Taxation** in concurrence.

Divided Report

Later Today Assigned

Majority Report of the Committee on **State and Local Government** reporting "**Ought Not to Pass**" on Bill "An Act Providing for the Election of Commissioners of the Public Utilities Commission" (S.P. 45) (L.D. 57)

Signed:

Senators: ESTY of Cumberland
BUTLAND of Cumberland

Representatives: BENNETT of Norway
WALKER of Blue Hill
LOOK of Jonesboro
JOSEPH of Waterville
KILKELLY of Wiscasset
ROWE of Portland
YOUNG of Limestone
DUTREMBLE of Biddeford

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-52) on same Bill.

Signed:

Senator: BERUBE of Androscoggin

Representatives: GRAY of Sedgwick
AHEARNE of Madawaska

Came from the Senate with the Majority "**Ought Not to Pass**" Report read and accepted.

Reports were read.

Representative Joseph of Waterville moved that the House accept the Majority "**Ought Not to Pass**" Report.

On further motion of the same Representative, tabled pending her motion that the House accept the Majority "**Ought Not to Pass**" Report and later today assigned.

Divided Report

Later Today Assigned

Majority Report of the Committee on **Judiciary** reporting "**Ought to Pass**" on Bill "An Act to Protect Reproductive Privacy in Maine" (S.P. 117) (L.D. 318) (Governor's Bill)

Signed:

Senator: CONLEY of Cumberland

Representatives: CATHCART of Orono
CARON of Biddeford
LIPMAN of Augusta
OTT of York

FARNSWORTH of Hallowell
SAXL of Bangor
KETTERER of Madison
FAIRCLOTH of Bangor
COTE of Auburn

Minority Report of the same Committee reporting
"Ought Not to Pass" on same Bill.

Signed:

Senators: BERUBE of Androscoggin
HANLEY of Oxford

Representative: PLOWMAN of Hampden

Came from the Senate with the Majority "Ought to
Pass" Report read and accepted and the Bill passed
to be engrossed.

Reports were read.

Representative Cote of Auburn moved that the
House accept the Majority "Ought to Pass" Report.

On further motion of the same Representative,
tabled pending her motion that the House accept the
Majority "Ought to Pass" Report and later today
assigned.

Non-Concurrent Matter

Bill "An Act to Promote Electronic Transfer of
Funds and Other Information System Improvements in
State Government" (H.P. 845) (L.D. 1150) which was
referred to the Committee on **State and Local
Government** in the House on April 1, 1993.

Came from the Senate referred to the Committee on
Human Resources in non-concurrence.

On motion of Representative Joseph of Waterville,
tabled pending further consideration and later today
assigned.

COMMUNICATIONS

The following Communication:

State of Maine
Office of
Secretary of State
Augusta, Maine 04333-0148

April 1, 1993

Honorable John L. Martin
Speaker of the House
Maine House of Representatives
Augusta, Maine 04333

Dear Speaker Martin:

Pursuant to Private & Special Law 1991, chapter 94,
"An Act to Study the Establishment of a Statewide
Voter Registration File," I am forwarding to the
116th Maine Legislature the final report of the

Secretary of State's Central Voter Registry Study
Committee. I would be pleased to answer any
questions members of the Legislature may have
regarding this study.

Sincerely,

S/ Bill Diamond
Secretary of State

Was read and with accompanying report ordered
placed on file.

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

The following Bills, Resolves and Resolutions
were received and, upon the recommendation of the
Committee on Reference of Bills, were referred to the
following Committees, Ordered Printed and Sent up for
Concurrence:

Education

Resolve, to Establish the Academy for Public
Service Study Committee (H.P. 874) (L.D. 1188)
(Presented by Representative SIMONDS of Cape
Elizabeth) (Cosponsored by Representatives: AULT of
Wayne, BENNETT of Norway, GWADOSKY of Fairfield,
JOSEPH of Waterville, MITCHELL of Vassalboro, NORTON
of Winthrop, Senator: O'DEA of Penobscot)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

Resolve, Creating the Maine State 175th
Anniversary Commemoration Commission (H.P. 877) (L.D.
1191) (Presented by Representative ADAMS of Portland)
(Cosponsored by Representative JOSEPH of Waterville,
Senator PARADIS of Aroostook and Representatives:
BOWERS of Washington, CARR of Sanford, CONSTANTINE of
Bar Harbor, DUTREMBLE of Biddeford, GRAY of Sedgwick,
HICHBORN of Howland, HOLT of Bath, JOHNSON of South
Portland, JOY of Island Falls, KILKELLY of Wiscasset,
KNEELAND of Easton, LARRIVEE of Gorham, LEMKE of
Westbrook, LOOK of Jonesboro, MITCHELL of Vassalboro,
POULIN of Oakland, SIMONEAU of Thomaston, SKOGLUND of
St. George, STEVENS of Orono, TRUE of Fryeburg, TUFTS
of Stockton Springs, WALKER of Blue Hill, YOUNG of
Limestone, Senators: BUSTIN of Kennebec, DUTREMBLE of
York, ESTY of Cumberland, FOSTER of Hancock)

(The Committee on Reference of Bills had
suggested reference to the Committee on **Education**.)

On motion of Representative Mitchell of
Vassalboro, was referred to the Committee on **State
and Local Government**, ordered printed and sent up
for concurrence.

Human Resources

Bill "An Act to Establish a State Trauma Care System" (H.P. 875) (L.D. 1189) (Presented by Representative PENDEXTER of Scarborough) (Cosponsored by Representatives: FARNUM of South Berwick, LINDAHL of Northport) (Submitted by the Department of Public Safety pursuant to Joint Rule 24.)

Bill "An Act to Increase the Availability of Funding for Health Care" (H.P. 879) (L.D. 1193) (Presented by Speaker MARTIN of Eagle Lake)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

Bill "An Act to Amend the Requirements for Hearing and Public Notice in the Adoption and Amendment of Zoning Ordinances" (H.P. 881) (L.D. 1195) (Presented by Representative WENTWORTH of Arundel)

RESOLUTION, Pursuant to Article IV, Part Third, Section 15 of the Constitution of Maine Calling a Constitutional Convention to Propose Amendments to the Constitution (H.P. 873) (L.D. 1187) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Representative: JOSEPH of Waterville)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Number of Members in the House of Representatives and Create a Unicameral Legislature (H.P. 882) (L.D. 1196) (Presented by Representative MICHAEL of Auburn) (Cosponsored by Senator CAREY of Kennebec and Representatives: ADAMS of Portland, BAILEY of Township 27, BARTH of Bethel, BOWERS of Washington, COFFMAN of Old Town, DEXTER of Kingfield, DiPIETRO of South Portland, FITZPATRICK of Durham, GOULD of Greenville, GRAY of Sedgwick, HUSSEY of Milo, KERR of Old Orchard Beach, KONTOS of Windham, KUTASI of Bridgton, LEMONT of Kittery, LORD of Waterboro, PFEIFFER of Brunswick, PLOURDE of Biddeford, POULIOT of Lewiston, RICHARDSON of Portland, TRACY of Rome, VIGUE of Winslow, WINN of Glenburn, YOUNG of Limestone, Senator: HARRIMAN of Cumberland)

Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act to Improve the Administration of the Poverty Abatement Process for Payment of Real Property Taxes" (H.P. 876) (L.D. 1190) (Presented by Representative MURPHY of Berwick) (Cosponsored by Representatives: FARNUM of South Berwick, LOOK of Jonesboro, NADEAU of Saco, REED of Dexter, SPEAR of Nobleboro, TARDY of Palmyra, Senators: BERUBE of Androscoggin, CARPENTER of York, CLEVELAND of Androscoggin, SUMMERS of Cumberland)

Ordered Printed.
Sent up for Concurrence.

Transportation

Bill "An Act to Provide Funding for Response to Spills of Hazardous Materials" (H.P. 878) (L.D. 1192) (Presented by Representative COLES of Harpswell) (Cosponsored by Representative: MITCHELL of Freeport)

Ordered Printed.
Sent up for Concurrence.

Reported Pursuant to Public Law

Representative PARADIS for the Commission to Study the Future of Maine's Courts, pursuant to Public Law 1989, chapter 891, Part B, section 6, as amended ask leave to submit its findings and to report that the accompanying RESOLUTION, Proposing an Amendment to the Constitution of Maine Repealing the Requirement of Grand Jury Review for Noncapital Crimes (H.P. 880) (L.D. 1194) be referred to the Joint Standing Committee on Judiciary for public hearing and printed pursuant to Joint Rule 20.

Report was read and accepted, and the bill referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

ORDERS

On motion of Representative JACQUES of Waterville, the following Order:

Ordered, that the House of Representatives rescind its action provisionally seating Gerald A. Hillock as the State Representative from House District 35; and be it further

Ordered, that Gerald A. Hillock be seated in the House of Representatives as the duly elected State Representative from House District 35.

Was read and passed.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 56 and Joint Rule 34, the following items:

Recognizing:

the following students at Scarborough High School, the 1993 Academic Decathlon State Champions: Michael Milliken, Jeffrey Graffam, Kristin Davis, Stephanie Davis, Jeffrey Messer, Alison Bureau, Daniel Hall, Christopher Higgins, and Jeremy Boardman; and the coaches: Ellen Ross and Michael Richards; (HLS 227) by Representative PENDEXTER of Scarborough. (Cosponsors: Representative PENDLETON of Scarborough, Senator SUMMERS of Cumberland)

On motion of Representative Pendexter of Scarborough, was removed from the Special Sentiment

Calendar.

Was read.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Pendexter.

Representative PENDXTER: Mr. Speaker, Ladies and Gentlemen of the House: It is with pleasure that Representative Pendleton and I present to you the Scarborough High School State Champions of the Eighth Maine Academic Decathlon. Having won the state championship for the fourth straight time and six out of eight competitions, this team has a lot to be proud of in continuing to uphold and maintain the academic excellence and strength exemplified by Scarborough High School since 1984.

At a time when athletic championships are very much in the forefront, and justifiably so, it is equally refreshing to recognize kids who excel in the contest of academic strength.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Pendleton.

Representative PENDLETON: Mr. Speaker, Men and Women of the House: I hope that you will join us in wishing them well as our decathlon team from Scarborough heads out for Phoenix, Arizona.

I have to admit to you that academics was not exactly one of my greatest interests in high school so I applaud these young people wholeheartedly.

Also, the coach told me this morning the last time they went for a national competition, they were 10,000 points behind the national leaders and this time as they go to Arizona, they are only 8,000 points behind. I am not sure what that means but it sounds good to me, so I hope you will join us in congratulating them and wishing them well.

Subsequently, was passed and sent up for concurrence.

Recognizing:

the Bangor High School Boys Basketball Team, winners of the State Class A Basketball Championship; (SLS 74)

On motion of Representative Morrison of Bangor, was removed from the Special Sentiment Calendar.

On motion of Representative Gwadosky of Fairfield, tabled pending passage and later today assigned.

CONSENT CALENDAR

First Day

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

(S.P. 150) (L.D. 482) Bill "An Act to Provide an Adequate Period for the Adoption of Local Ordinances" Committee on Energy and Natural Resources reporting

"Ought to Pass" as amended by Committee Amendment "A" (S-53)

(H.P. 149) (L.D. 201) Bill "An Act to Establish a Statute of Limitations for Claims against Titles to Property Acquired for Nonpayment of Taxes" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-111)

(H.P. 721) (L.D. 980) Bill "An Act to Correct the Boundary Description of the Town of Long Island" Committee on State and Local Government reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, April 8, 1993, under the listing of Second Day.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Amend the Laws Related to Pawn Transactions" (S.P. 65) (L.D. 127) (C. "A" S-50)

Was reported by the Committee on Bills in the Second Reading, read the second time, the Senate Paper was Passed to be Engrossed as Amended in concurrence.

SECOND READER

Bill "An Act Regarding Bow Hunting" (H.P. 382) (L.D. 495) (C. "A" H-85)

Was reported by the Committee on Bills in the Second Reading and read a second time.

Representative Larrivee of Gorham requested that the Clerk read the Committee Report.

Subsequently, the Committee Report was read by the Clerk in its entirety.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Larrivee.

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

This bill came out of committee with a significant majority opposing the imposition of the ability for a bow hunter to take a second deer. I think it is important for us, as we are beginning to manage our deer herd, to understand here that we would be allowing one specific group the opportunity to take two deer in the same season. I feel personally that we have extended to bow hunters significant other amenities in that they are allowed to have another season in which they can hunt separate from the hunting with firearm season and I believe that is an extension afforded to them which gives them an extra opportunity to take a deer.

However, I don't feel that it is appropriate that we ought to extend that in order to allow them to

take a second deer. I believe that that would be above and beyond a responsible management of the herd. I hope that you would agree with me and the majority of the committee and vote to indefinitely postpone this bill and all its papers.

I would ask for a Division.

The SPEAKER: The Chair recognizes the Representative from Athens, Representative Rotondi.

Representative ROTONDI: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will not support the motion made by the Representative from Gorham, Representative Larrivee, on this bill.

I was not the sponsor of this bill or a cosponsor of this bill but I have been in past legislative sessions. I do believe in this bill and I support it.

I would like to give you some statistics. In 1989, there was a total of 9,355 resident and non-resident bow hunting licenses sold. There were only 416 deer tagged. In 1990, there were 9,525 licenses sold with 319 deer tagged. In 1991, there were 10,085 licenses sold with 500 deer tagged so, as you can see, the success rate is pretty low for bow hunters.

I called the Department of Fisheries and Wildlife and I talked to someone there. I asked them about how many car deer accidents there were. The last year that they compiled those statistics was 1990 and there were (in 1990) between 3,000 and 3,500 deer killed by a car.

Also, we'd have an increase in licenses that would be sold and that would bring in more revenue for the Department of Fisheries and Wildlife, which we all know we need it.

I hope that you do not vote to indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Greenlaw.

Representative GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I missed the roll call on this because I was tied up in another committee but I do support the "Ought Not to Pass" Report.

If you look through your calendar today, you will find other people that shoot deer with other methods that want other privileges. We could end up giving licenses out for people to kill three or four deer — black powder, hand pistols are becoming a sport now and other different methods, so I support the "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Lemont.

Representative LEMONT: Mr. Speaker, Ladies and Gentlemen of the House: As sponsor of L.D. 495, I would like to preface my remarks by saying this bill doesn't benefit me in any way. I am not a bow hunter but I certainly admire the method they use for hunting deer. I like to think of this bill as a chance at a second deer. The reason I say chance is because we have the lowest success rates in the country.

Representative Rotondi has given you a great deal of statistics. I would like to share a few more with you. What are the chances? In 1992, a record year for bow hunters, they tagged 694 deer. If all 694 successful bow hunters shows up to hunt during firearm season, we have a potential of a hundred deer being shot. If the same success rate applied during firearm season, which is 13 percent, this is 4/100ths of one percent of the herd. Even if the license of bow hunting doubled based on the most successful year, 694, we would have a potential of 200

additional deer taken during firearm season.

The commissioner and the biologists of the department have stated publicly that this would not impact the herd whatsoever, it would be a minimal effect.

This bill has the support of SAM as well as the Southern Maine Fish and Game Club in my district. I had the opportunity to sit with a member of that club that represents their views and he said that they would willingly pay \$40 to \$50 additional for this second chance. This would be additional revenue to the state. As he simply put it, why pay this money to New Hampshire and Massachusetts? Also, there is a sales tax consideration. Each hunter has over \$600 in equipment they purchase — if this was to be a detriment to the herd, which I do not believe it would be, I would be the first to rise to appeal it.

I hope you vote against the motion to indefinitely postpone and support the bill. I request a roll call.

The SPEAKER: The Chair recognizes the Representative from Cherryfield, Representative Farren.

Representative FARREN: Mr. Speaker, Men and Women of the House: I had several things written out here but I won't give those because many people have covered it.

I think one thing that we really must take into consideration is that there are doe permits or antlerless deer permits issued now. The bow hunters have two months to hunt. Currently, they can take either sex without even having to compete for an antlerless deer permit and then take another one during firearm season.

I don't think we should look at this from a standpoint of how much money it is going to bring into the state, I think we have to look at it from the standpoint of management.

I hope you will support the indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative Heino.

Representative HEINO: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you this morning to follow the light of Representative Larrivee. It has been mentioned that additional licenses for bow hunting could bring in revenue and increase tax revenue and so forth but let's not be blinded by this. Let's not upset a good management plan for a special group.

Please follow Representative Larrivee's light.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Carr.

Representative CARR: Mr. Speaker, Ladies and Gentlemen of the House: Bow hunters who take to the woods with their bows in hand must require a separate license, separate from the hunting license required of all other Maine hunters and to do any other hunting, the bow hunter must acquire the normal hunting license. With close to 12,000 bow hunters, licenses are sold and only 700 harvested.

It is only fair that the bow hunter be allowed, like they are in all other states, to acquire another deer by way of hunting. They have to acquire the hunting license as a firearm license so also should they be allowed this. We are the only state in New England who disallows this to my knowledge and if we do, maybe the same logic should follow for those motorists, those 3,000 motorists who get their deer by car, that they should also be disallowed to hunt.

I think it is only fair that you pass this bill and to vote no on the indefinite postponement motion. It is good for our state, I urge you to vote no.

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

Representative ALIBERTI: Mr. Speaker, Ladies and Gentlemen of the House: You have heard in the past great support asked for by the former chair of this committee, Representative Jacques, who has a great deal of credibility when it comes to these issues. In the past, he has asked for dedicated funds and did so successfully so that we could encourage and extend this particular sport and bring additional revenues to the state.

I interpret this to be against that philosophy that he has so strongly encouraged in the past, I interpret this myself as attempting to develop and encourage an elitist and a special exclusive group, which has not been the objectives in the past. That is my interpretation.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House: I concur with the good Representative from Lewiston, Representative Aliberti, in his testimony to the fact that this is an elite group trying to get more than what we really need and it is a very, very poor bill from what I understand.

Over the number of years that I have been here, I put in a number of bills for the bow hunters. It seems like they've gotten very, very greedy over the years.

You listen to the testimony that was given today and it seemed like, if anyone does any bow hunting, they've got the prime season to hunt, the first month when they are out there all by themselves and nobody else in the woods, very peaceful, very quiet — I just think they are asking for a little bit too much so when you vote today, I hope you vote with Representative Larrivee on the "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Rome, Representative Tracy.

Representative TRACY: Mr. Speaker, Ladies and Gentlemen of the House: I also urge you to indefinitely postpone this bill and all its accompanying papers. What we have here is like Representative Clark said, this is a special interest bill for bow hunters and if we start with bow hunters, what will we be getting into next, the black powder, which has a special season? I urge you to indefinitely postpone this bill.

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

Representative JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: Some of you have asked me why I signed onto the report that I did considering that I have been a long established spokesman for the men and women who hunt and fish in the State of Maine. I am going to tell you that it boils down to one fundamental reason and that is a reason of fairness.

We instituted and I sponsored an antlerless doe permit system for the State of Maine because our deer herd was in trouble. As a matter of fact, it was in serious trouble and the antlerless deer system was put in place to try to rebuild a deer herd. That

deer herd still is in trouble. It has made some gains but it is still in trouble in many areas of the state. In Aroostook County and Washington County, the deer herd is in a serious situation. This winter that we just went through will probably have more effect on the actual deer herd in the State of Maine than any season or any extra deer that we can pass. The simple fact of the matter is that we asked all the other sportsmen in this state to apply for a doe permit, an antlerless deer permit, in an attempt to control the harvest of deer, especially doe deer in the State of Maine.

This bill says that if you get a bow hunting license, you can go out and shoot a doe for the whole month of October and, once having done that, you can go out in November and by purchasing a firearm license, shoot another doe if you are lucky enough to get a doe permit. I don't think that that is quite fair, I think it flies in the face of good, proper game management. I have nothing against bow hunters, my kid brother is an avid bow hunter and he and I have had many discussions and he can't understand why I won't let him kill two deer. I mean, it is a great idea if you are a bow hunter to be able to kill two deer but the simple fact of the matter is that we put regulations on timber harvesting in the state, we have put more and more restrictions on the hunters of this state because the deer herd is in trouble. Don't be fooled by the fact that certain times of the year you see deer around, the deer herd is still less than it was.

Fundamentally, whether it be 100 as it was when I first was elected in 1978 killed by bow and arrow, 700 now and I predict to you that if you allow two deer to be killed, there will be 400, 500, 600 or 700 more because, quite frankly, the opportunity to legally kill two deer is very accommodating to people.

I also know people who said, look, if there is enough deer to allow Joe Schmo to kill two, why shouldn't I be able to kill two? I will have my wife tag one and my daughter tag one because there is no problem with the deer herd, you are letting certain individuals kill two deer.

The thing that bothers me the most is that this is one more bill that is going to further drive a wedge between different sportsmen in this state. We are going to pit the archery hunters against the conventional firearm hunters and you will do that, I guarantee you will do that, and we will proliferate the eventual demise of hunting and fishing as we know it in the State of Maine. Once you turn one user group against another user group, and that is what you are going to be doing, because what the good Representative in the front did not tell you is the acting commissioner said, as of now, the kill is not detrimental to the deer herd, but he pointed out that if the kill rises, it will affect the amount of doe permits left over for the firearms season because the game management plan that has been established will start to be turned around.

Again, you will increase the competition between user groups and, ultimately, my concern is the resource. I think at this time, in this state, this is the not the time for this type of season. Yes, many other states let you kill more than one deer but many other states have a heck of a lot more deer than the State of Maine does. Most states don't have the winters and the snow that we do.

This past winter the domestic dog, the coyote, and the depth of snow probably had a more direct,

harmful effect on our deer herd than all the hunters put together. I just don't think the deer can stand anymore competition. That is why I have taken the step of speaking against a traditional hunting group in the State of Maine. I am not for them because I think, although I admire their tenacity in trying to get this passed, their interests are very self-served and very, very tunnel visioned.

I would ask you to support Representative Larrivee's motion because it makes sense for the resource, no other reason.

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

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

The SPEAKER: The pending question before the House is the motion of the Representative from Gorham, Representative Larrivee, that L.D. 495 and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 21

YEA - Adams, Ahearne, Anderson, Bowers, Brennan, Bruno, Cameron, Cashman, Chase, Chonko, Clark, Clement, Clukey, Coles, Constantine, Cross, Dexter, DiPietro, Driscoll, Dutremble, L.; Erwin, Faircloth, Farnsworth, Farren, Foss, Gamache, Gould, R. A.; Gray, Greenlaw, Heeschen, Heino, Hichborn, Hillock, Holt, Jacques, Johnson, Joseph, Kerr, Kneeland, Larrivee, Lindahl, Lipman, Look, Lord, MacBride, Martin, H.; Melendy, Mitchell, E.; Morrison, Nadeau, Nash, Norton, O'Gara, Oliver, Pfeiffer, Pinette, Plourde, Plowman, Poulin, Quint, Reed, G.; Richardson, Robichaud, Rowe, Saxl, Simonds, Skoglund, Small, Spear, Stevens, K.; Sullivan, Swazey, Taylor, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, Vigue, Walker, Wentworth, Whitcomb, Winn, Young.

NAY - Aikman, Aliberti, Barth, Beam, Bennett, Campbell, Caron, Carr, Carroll, Cathcart, Cote, Daggett, Donnelly, Dore, Farnum, Fitzpatrick, Gean, Gwadosky, Hale, Hatch, Hussey, Jalbert, Joy, Kontos, Kutasi, Lemont, Libby James, Marsh, Marshall, Michaud, Mitchell, J.; Murphy, Nickerson, Paradis, P.; Pendexter, Pendleton, Pineau, Pouliot, Rand, Reed, W.; Ricker, Rotondi, Saint Onge, Simoneau, Stevens, A.; Strout, Tardy, True, Tufts, Zirnkilton.

ABSENT - Ault, Bailey, H.; Bailey, R.; Carleton, Cloutier, Coffman, Hogle, Ketterer, Kilkelly, Lemke, Libby Jack, Michael, Ott, Ruhlin, Rydell, Thompson, The Speaker.

Yes, 84; No, 50; Absent, 17; Paired, 0; Excused, 0.

84 having voted in the affirmative and 50 in the negative with 17 being absent, L.D. 495 and all its accompanying papers were indefinitely postponed. Sent up for concurrence.

PASSED TO BE ENACTED

Emergency Measure

An Act Concerning Maine Wineries and Microbreweries (H.P. 190) (L.D. 253) (C. "A" H-69)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 121 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Regulate the Safety of Off-system Railroads (H.P. 445) (L.D. 571) (C. "A" H-74)

Was 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.

The Chair laid before the House the following matter: Recognizing: the Bangor High School Boys Basketball Team, winners of the State Class A Basketball Championship; (SLS 74) which was tabled earlier in the day and later today assigned pending passage.

Was read.

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

Representative SULLIVAN: Mr. Speaker, Men and Women of the House: It is indeed an extreme pleasure and honor for me to recognize and to make sure you recognize the young men who are standing up in the back of the gallery. They are the Bangor High School basketball team, the Class A Champion's. I am extremely proud also to recognize the fact that they not only are excellent athletes but they are excellent students, they are excellent citizens, they are excellent young gentlemen in the truest sense of the word.

While many of these students, individually, have great athletic ability and talent, it was working as a team, and they stressed that so many times that they were not looking for individual achievements or titles or goals, they were working for a team goal and they made it. I am extremely proud of them and I want you to recognize them and offer our highest congratulations and best wishes to Coach Roger Reed and the Class A Champions, Bangor High School Boys Varsity Basketball Team.

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

Representative DIPIETRO: Mr. Speaker, Ladies and Gentlemen of the House: I caught that little dig, they beat South Portland and I would just like to say with the rest of the members of the House to the basketball team from Bangor, I thought we were going to have at least 3 overtimes but we didn't. I would like to say to you that you deserve the victory, congratulations, it was a wonderful ballgame. We will look for you again next year.

Subsequently, was passed and sent up for concurrence.

The Chair laid before the House the following matter: Majority Report of the Committee on Judiciary reporting "Ought to Pass" on Bill "An Act to Protect Reproductive Privacy in Maine" (S.P. 117) (L.D. 318) (Governor's Bill) and the Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill (came from the Senate with the Majority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed) which was tabled earlier in the day and later today assigned pending the motion of Representative Cote of Auburn that the House accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Farnsworth.

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: All of you have been I know reading, listening and receiving lots of correspondence and phone calls from people on this bill and the related bills for the last few months. Many of us also had to talk and write and listen and hear about this issue during the last election. Now we are at the point of voting on this legislation and the related bills that are before you.

I would suggest that the decision we have to make today, overall, is a very, very important decision. It is one where for once the state does have a say in something that otherwise is a subject matter largely under the purview of the Supreme Court of the United States. But, at this moment, we as a state do have a choice in what role our state government will play in matters of reproductive privacy.

It is my belief that L.D. 318 is a bill which truly reflects the will of the people of this state in a general sense that they do not want state government to change the role that it had in matters of reproductive privacy for the last 20 years. The role that the state has had for the last 20 years has been established pursuant to the U.S. Supreme Court decision in Roe v. Wade in 1973.

As we get into this bill throughout the debate, I think you will understand that some of the law that is currently on the books in Maine is no longer enforced and hasn't been enforced for maybe 10 years in some cases. One bill, in particular 318, is repealing the parts of our statutes that have not been enforced because they were determined to be in violation of Roe v. Wade.

Other bills in conflict with this provision would seek to either change or add or keep those kinds of provisions. So, the real issue that 318 presents the legislature is, do we want to keep our state law regarding reproductive privacy the way it has been for 20 years under Roe v. Wade, and in order to do that, we need to do a few things that involve repealing statutes such as the Parental Notification Law, which has been on the books but not enforced because of a court order and also was determined to have been impliedly repealed when we enacted the Adult Involvement Law a few years ago.

The second thing that we would need to be repealing in order to keep our current policy in effect is the law regarding informed consent and that includes the provisions on the 48 hour waiting

period. The entire law on informed consent and the 48 hour waiting period has been enjoined. L.D. 318 pulls out of that law the portions on informed consent — it will eliminate the 48 hour waiting period but it will put back into statute the parts of informed consent that provides for a woman to be told basic information about what's about to happen and also, at her request, about alternatives to abortion.

The committee has voted 10 to 3 in support of these provisions and also in support of one more additional affirmative statement to reflect what has been the law for 20 years. We propose adding a statement that says that the state will not restrict a woman's private exercise of her private decisions in these matters, prior to viability. That has been the law for 20 years and we are proposing to say that that is the law so that (from now forward) it is clear what our policy is. It is not going to, today, this minute, change anything that is currently enforced.

L.D. 318, despite what you are going to see all over the place and hear about today, has a total effect of preserving the status quo in this state. It has the effect of preserving the status quo as that was achieved under Roe v. Wade. Subsequent to Roe v. Wade, as you know, there have been a series of U.S. Supreme Court decisions which have gradually changed the standards of determining what kinds of restrictions are allowable and what are not. One of the reasons for addressing this bill right now is that the goal is to keep the law the way it has been and not to adopt some of these more recently allowable restrictions because it has been our experience in Maine that the laws we have are working, they are reasonable and they have not been abused. We have not received evidence of abuses and we believe that the law is in fact reflective of the kind of policy that the people of this state would like to have.

This is not to say — I would like to acknowledge because we did have such an extraordinarily large group of people in attendance at the hearings that people in general support abortions or favor abortions or want to have no parental involvement in abortions — that's not the case at all. Even people who support L.D. 318 in fact may be personally very opposed to abortions, may really encourage and want parental involvement. Most of us in fact do. The fact is what we have learned and what I think legislators have got to be able to say to their constituents is that it is one thing to want a thing to be a certain way, it is one thing to be opposed to abortions, but it is another thing to make it illegal when what you learn from the experience of this state and other states is that if you absolutely prohibit or if you absolutely require things like parental notification, what you end up with is no change in behavior by people. You end up with minors going to other states to get their abortions, who end up with minors getting illegal abortions and you end up with people subverting the law. We believe Roe v. Wade standards are appropriate because they allow people a legal way in the state with involvement of other people to consider their options.

I would just like to briefly state that, under this law, I would just like people to be clear that we are repealing parental notification but we are keeping our Adult Involvement Law. The Adult Involvement Law was passed, I believe in 1989, and it is now considered a model in other parts of the

country because it actually gives pregnant minors who cannot get parental consent, and that is in the bill, that they either have to have parental consent or judicial bypass or consent from a judge or they have to have adult counseling. There is a certified list of counseling that an adult must provide. The adult must give them information about what the abortion procedure is, they must give information about what the alternatives to abortion are, they must give information about counseling resources and they also must discuss why aren't the minor's parents involved in this process.

We believe that by allowing a minor to pick a safe adult that they consider responsible and caring to talk to and involve is a much better provision than to give them an alternative that is the acceptable alternative for many but is totally unacceptable or impossible for some. It is the few teenagers that cannot or absolutely will not seek parental help that that current Adult Involvement Law is aimed at.

I think we need to understand with respect to some of these issues about informed consent that the discussion today about informed consent centers around whether or not an adult woman is going to be required to receive certain kinds of information. There are different proposals in front of you of what kind of information.

First I would like to clarify that minors are absolutely required to get alternatives to abortion, no matter what we do under current law, under the Adult Involvement Law. So, we are talking really about whether adult women need to be given as a mandatory requirement additional information. L.D. 318 provides for informed consent but with respect to alternatives to abortion makes that an optional provision at the woman's request.

The evidence that the Judiciary Committee received was that in fact women are given alternative information at least two times prior to the actual performance of any abortion. One of those times is very likely to be at least a couple of weeks earlier at the time of the first contact with a doctor. We felt, first of all, that it wasn't necessary.

Secondly, I think what this discussion raises is, again, this issue of what role do we want to have government say? I would suggest to you that if in fact we allow government to begin to have a role in telling people and directing people to different kinds of options with respect to childbirth that we are then saying, this is a subject matter government can deal with. Today the law could say, government will be neutral supposedly and will provide all these different pieces of information but, as you all know, having run campaigns, a brochure can be written in many different ways. Even if the law says you have to say A, B, and C are your choices, a brochure can direct people in lots of different ways. I would suggest to you that in the world today we have a number of examples ranging from China, which I traveled in a few years ago and I saw for myself the huge government paid-for billboards that said, "one family, one child" and I learned that they have committees sent to your house if you are pregnant with a second child that the government sponsors to urge you to actually abort the child. They tell you all the various deductions you are going to lose. That's when government gets involved for the purpose of controlling population and decides abortion will be a government favored option.

We don't want that. Nobody wants that. You also have Romania, where a few years ago, abortions were outlawed and in fact the government policy was to favor people having many children and there were policies that really encouraged people to be pregnant and peer pressure was placed on women if they weren't pregnant, we don't want that either. The goal is to have reproductive matters stay within the family, stay as a private matter as opposed to government.

I firmly believe that if we give this business of designing brochures and interfering between the doctor and the woman to government, to DHS to have as one of their jobs designing this kind of information, that we may be able to control it today (those of us who are here) but tomorrow and the next Administration and the one after that, we have set a precedent that government will have that role and we will not have the control over what they say.

So, I would repeatedly ask you to remind yourself that's what at stake in all of these things is, who makes these decisions, what role should the state have and that the goal of L.D. 318, as it is, without any amendments, is in fact to keep government's role to a minimum, to keep it consistent with the way it has been for 20 years under Roe v. Wade and I sincerely ask that you support this bill without any amendments.

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

Representative POULIOT: Mr. Speaker, Ladies and Gentlemen of the House: I would ask that when the vote is taken that it be taken by a roll call.

What do the people really want? Every poll or survey shows that the people favor limits on abortions, they don't favor using abortions for birth control or sex selections or just because the pregnancy that has resulted from a reproductive choice is inconvenient. Americans, in general, favor true informed consent giving women all the options, all the information they need to make such an important irreversible decision. They favor parental notice and consent for abortions of minors. This bill only assures so-called adult involvement, meaning that the abortionist or a paid counselor on the abortionist's staff may well be the only adult the child will ever talk to.

The Portland Press Herald found in a 1992 survey that 67 percent of the Maine people favor a waiting period before abortions are done. L.D. 318, however, expressly repeals our waiting period law. Those who want abortions have to be able to get them right now, no delays, no cooling off. The same survey shows that 74 percent of Mainers favor parental consent, but L.D. 318 doesn't require it. In fact, it repeals our 1979 parental notification status.

Do we care what the people want? Do we pay any attention to our fellow citizens? The people who sent us here sent us here to represent them.

Last Fall, the Worthland Organization conducted an exit poll that showed little support for unrestricted abortion rights. The survey showed that 13 percent would have prohibited abortions in all circumstances. Twelve percent would allow them only to save the life of the mother and 30 percent would allow them only to save the mother's life or if the pregnancy resulted from rape or incest. In short, fully 55 percent would permit abortions seldom or never.

I urge all members of this body to stop and think about this issue, to consider, not the propaganda of

the pro-abortion side, but what the voting of this bill will really do. It will virtually assure unregulated abortions on demand in this state against the will of the bill. This bill seeks to deprive this state of the opportunity, over time, to develop a reasonable and balanced policy on abortion. We should not rush to do this now. Why should we come down so strongly in favor of abortions, don't we believe that unborn children have any values whatsoever? There is no danger of abortions becoming completely illegal. This bill is not designed to preserve the status quo but to take Maine to a radical extreme pro-abortion position.

It is often said that those who speak against abortion or the taking of human life are described as opposing women's rights. I am none of those. I am, however, opposed to the taking of innocent individual human life.

I would just like to get away from my text for one minute because something inside of me compels me. I have been very fortunate and blessed to have a young girl whom we adopted when she was eight days old. Today she is 21. My lifetime dream has always been — because my daughter has now seeked out the search, and the search is on, to find her birth mother. I hope, too, someday that I will be able to put my arms around that young girl, 21 years ago, who had the courage to bring forth this beautiful life because let me tell you, there are many people in this state today seeking out, crying for children. They have to go to foreign countries, third worlds because there are no babies in our own state and in our own country to go around. When you are told by your physician that you cannot have a child but then you seek out — let me tell you there is such a bond and love in these children and there are many people who want them.

Do you know that this issue on abortion — I have been a member of this chamber now for 14 years and did you know that this issue has been here over seven times? When is enough enough? How many times are the members of this House going to have to kill this issue? I tell you this bill does not belong before you because whether you are pro-life or pro-choice, you can't win on this issue. If you have an issue that you debate on the floor of this House, on taxes, you feel one way, I feel the other way. If you vote on issues on hunting, solid waste, those are issues that you can go home and defend, but I tell you, try and go home and tell the people who are pro-choice or pro-life because you are pro-life, you have taken their decision from them, or you are pro-choice and you have taken their decision from them — I say to you here and now, it is bigger than you and I.

I would like to close with a thought that this issue does belong in the hearts and minds of all the people, men and women alike, this issue is between you, your God, and your conscience. For that reason, I firmly believe that this bill and this issue, and I will be proposing an amendment in the second reading to send this bill to the voters, because the voters are speaking out. Many people came here today, took time out of their busy schedule to come say hello to many of you, they conducted themselves very courteously, all they ask is that you listen to what the people are saying. This is a moral issue, they are tired of their government dealing in moral issues. You want to deal in budgets, you want to deal in those issues, I think the message is clear, we must deal in those, but the moral issues belong to

the people.

I would hope that when you vote that you vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Blue Hill, Representative Walker.

Representative WALKER: Mr. Speaker, Ladies and Gentlemen of the House: One of the arguments, and I shall say one of the most bizarre arguments, made today against the passage of 318 is that a woman should carry an unwanted pregnancy to term because there is a shortage of babies to adopt in the State of Maine. My husband and I, too, have an adopted child. But, the fact of any woman in this country or any other having an unwanted child in order that we or some other couple may adopt her or him is abhorrent and repulsive. No woman ever should carry or not carry a pregnancy for the good of others or the good of society. If women are forced to have children, the reverse could also become true as Representative Farnsworth said. The state could force women not to have children as easily as they could force a woman to have children. What happens to a woman's body should be her choice and her choice alone.

For three months, we have all listened to debate in this House. For three months, we have heard legislator after legislator rise and defend Maine citizens against assault on their individual freedoms. We have heard debate about the rights of citizens to make intelligent and studied decisions about their lives — decisions about motorcycles and riders, about wheelchairs and reflectors and about riding in the back of pickup trucks. This legislature has always taken a strong stand to protect and defend the rights of individual citizens to make choices about their lives.

I ask you to join me in defending individual rights once more. Don't be fooled, this bill 318 is not about abortions. There are abortions being performed now in Maine, this bill will not stop them, no bill could. This bill does not promote or condone or condemn abortions, this bill gives a woman the right to make a decision about her life and her body without the interference of the state. Could anything be more fundamental? If there ever were a bill before you to defend the individual against the tentacles of state control, it is this one. L.D. 318 will allow women to make choices and decisions about their lives, choices unencumbered by the doubts and fears and religious convictions of others.

Please join me in voting for its passage with no amendments.

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

Representative PLOWMAN: Mr. Speaker, Men and Women of the House: Today I address you as the sole dissenting member of the Judiciary Committee on L.D. 318. In the past month and a half, I have gone through a lot of emotional and spiritual trauma considering this bill.

Do I believe that the government has no right to be in this? After hearing and seeing what I have heard, I guess I do.

I am not a candidate for abortion. I am a woman of childbearing age. I probably know more about abortions than people who have had abortions. I have had more flyers put in my face. I have had the "Silent Scream" offered to me to watch. I have learned about D&C's, D&E's and D&X's. It's horrible. Maybe that should be between a woman and

her physician because I don't think that any other person should have to put up with hearing of the horrors about these procedures.

So, I moved beyond the emotional and I came to the spiritual (for lack of a better word). My spiritual belief involves the idea of self-determination and free will. I cannot decide what another's morals should be, I can only decide what mine are. Our forefathers thought and they guaranteed it to us in our Constitution that we would have a right to privacy, but not necessarily an unqualified right to privacy, which is pointed out to us in *Roe v. Wade*.

So, based on those two things, I might be able to support 318. But, I set aside the emotional and the spiritual and I sat down to think of myself as an elected Representative to the State of Maine as a legislator and I took the bill up in a thoughtful manner without my personal agenda. I tried to be in keeping with Maine's uniqueness and the thoughts and desires of the Maine citizens as to how they would like abortion to be viewed in their state. What I heard overwhelmingly was that they wanted it to be a considered decision, a thoughtful decision, and not a decision made out of fear, ignorance or desperation. Those are emotions that I attribute to the incredible instinct for survival. It is an overwhelming instinct and it has been with us for as long as we have been here. I can only say that it is something that has to be put in perspective. We need to take the instinct of survival and balance it off with education, awareness of alternatives and balance it against the need to preserve ourselves.

The feminist author, Frederica Matthews Green, said that no one wants an abortion as she wants an ice cream cone or a porsche, she wants an abortion as an animal caught in a trap wants to gnaw off its own leg.

Today we are asking you to reject 318. I object to 318 because it changes the stance of this state. This affirmative clause takes a proactive stand which is actually a preemptive strike against the consideration of reasonable restrictions, restrictions allowed not only in *Roe v. Wade*, but also in the *Casey* decision. Justice Blackman has said in his decision in *Roe v. Wade*, "The privacy right involved cannot be said to be absolute, we therefore conclude that the right of personal privacy includes the abortion decision but that this right is not unqualified and must be considered against important state interests."

Today we are asking you to reject 318 so that we can get on to some reasonable ideas that have been put out by some people here in this body. Some of those include parental notification and some of those include the informed consent. I really think that these ideas deserve your consideration.

I am asking you to reject 318. It is radical, as we have heard, I guess. If the proponents of 318 had wanted to do some house cleaning in the statutes of the State of Maine, they would have put forth a bill that took out the enjoined paragraph and did not make an attempt to change the policy stance of the State of Maine. It is not something supported by the majority of the state, it is not something I can support. I do call myself pro-choice because I believe self-determination is something that we are guaranteed several places but I will not support this bill. I do not believe that I can support it.

I hope you will consider this. I know many of

you people have already made up your minds and that is unfortunate. Please give this considerable thought because I have.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: I will make this short and brief. I have very, very strong feelings that this should not be here nor should we be spending our precious time discussing this.

I think that we should look at L.D. 318 and call it what it is, abortion on demand. Let's not try to cover it up, let's call it what it is and vote on that basis.

My prepared words today are — we the people — can we in any way believe that we are doing the will of the people of Maine while we are debating such a terrible procedure as abortion?

Forty years ago, I had the misfortune of visiting Dachau. For the people that don't know, I would look into it and understand where Dachau is and what is involved. While I was there, I walked through the chambers, there were numerous chambers, I walked on the railroad ties and the reason they were placed a certain distance apart was so the blood would be able to leak down into a reservoir. You could still smell the death. Many people had been sent to their death, some because of being twins, one I had the pleasure of meeting. She lived in Maine, she died last year. There were many experiments that were conducted on her. She was impregnated a number of times and aborted. Her twin sister was not quite as fortunate, she never got to come to Maine to live, she ended up in the gas chamber. I had a number of schnapps with these people, with the husband and with the wife that was never able to have children. The problem being — he still lives in Maine, one thing he has on his arm is a tattoo to identify him. His wife had the same kind of tattoo. When she was no longer useful, she was sterilized. She died last year. Her twin sister went to the gas chamber and the reason being, she was not considered useful to the little Austrian with the black mustache anymore and, therefore, did not get to come to Maine to enjoy the fine life that we have here.

Fortunately, we do not require a tattoo on people before we consider this procedure anymore. Maybe we are becoming more civilized. I wonder. I wonder if 30 years from now, will we be proud of what we are working on here today? Will we be proud to say that we walked this way or will we be ashamed to say that we have been here?

Please do not go with the modern easy way, the buzz word of "choice", this is not choice, follow the majority of our Maine people and oppose abortion on demand.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: Two words that have been repeated twice here this morning which are very offensive to me — unwanted pregnancy. Pregnancy is not a form of disease or analogy of anything. I take offense when they refer to a person that is pregnant as unwanted.

I came from a family of 15. Every time my mother bore a child, she was the happiest woman in the world. She was a saintly woman and a great woman, she lived to be 80 years old. The hardships — my father was just a poor little dirt potato farmer in

Lisbon, he came out of Aroostook County and he made both ends meet. He only had about three or four years of school.

When I got married, I was 33. My wife is four years older than I am. The worry on her mind was that she could never become pregnant and she was the happiest woman in the world when the doctor told her, "Yes, Frances, you are pregnant." But, to turn around and degrade pregnancy to the point where it is a disease, some sort of a plague, I think is disgusting. Unfortunately some people cannot conceive. That is one of God's great things that he has given us, the ability to reproduce. As a human being, to be classified like an animal, like you do a cow, that you may not get the type of breed that you want, therefore, you abort the baby calf, you are dealing with a human being. I am not a religious man but you are built and created in the image of God. When you turn around and say I will decide what I want to do with this body and all the pleasures that the Lord has given me, but I can do what I want after taking advantage of those pleasures.

My mother raised 15 children and not once did she ever say, "I wish I wasn't pregnant." Every one of those 15 children, I am very proud to say, live to be manhood and womanhood and did something with their life. When she passed on at 80 years old, I know she is in heaven, but to turn around and to degrade the word pregnancy the way it has been done this morning, I am disgusted.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Hale.

Representative HALE: Mr. Speaker, Men and Women of the House: I rise today to ask you to support the pending motion on the floor. To even imply that there is any degradation in this bill is absurd.

To say that any woman can get an abortion on a moment's notice, right now, is ridiculous. We can't even get a doctor's appointment if we have a broken bone right now.

This bill is supported by 65 percent of my constituents.

This bill is not an abortion bill. This bill is a choice bill. This bill says you have a choice that you may make, I will not make it for you. This says the same as they have said to me in the past, "Don't tell me to put on a seatbelt, I'll make that decision. Don't tell me to put on a helmet, I'll make that decision." This bill is telling them you may make the decision, I am not going to pry into your private life or ask the reason for your decision. This does not mean that women are not proud to be the carriers of new life, they certainly are. This also means that they have the right to discuss it with their husband, their doctor and with their God and come to a decision themselves.

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

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

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

Representative FAIRCLOTH: Mr. Speaker, Ladies and Gentlemen of the House: I rise today in support of L.D. 318. As a member of the Judiciary Committee,

I, like Representative Plowman, Representative Farnsworth and others have spent long hours listening to testimony and studying this issue. I am also a lawyer and, while in law school, unlike Justice Clarence Thomas, I did consider *Roe v. Wade* and I have done so in detail since then.

I would like to preface my remarks with the concern that I hope we can keep our discussion of this matter as calm and as gentlemanly and as civilly (I should say) as possible.

During the public hearing on this matter, five times sponsors and cosponsors of L.D. 318 were compared to Hitler. I respect many people who oppose L.D. 318 but I hope we can avoid those types of comparisons. I don't think Senator Amero is like Hitler or Senator Pingree is like Hitler. I certainly don't think Representative Walker is like Hitler or Representative Ault or Representative Farnum or many others, so I hope we can just lower that level of pitch and bring it down to the stature that is before us in the proposed legislation that is before us.

I respect very much the theological views of those who oppose this legislation. I always think of two people in my district, Robert and Laura Murray, who have two sons who served in the Maine Legislature. They are wonderful people, people who are strongly opposed to abortion. I know that they care deeply about this issue and that, out of the kindness of their heart, they oppose L.D. 318 and I respect their views and their deeply held religious beliefs in this regard.

I, for one, don't know the answer to the theological and scientific question, when does life begin? I really don't know the answer to that question. I do know as a lawyer that in the eyes of the law, and that is what we are dealing with here today, a proposed law, that a person in the eyes of the law is not a person until they are a born person and no person on the Supreme Court, none, not the most conservative member, views anyone before birth to be a person in the eyes of the law. That goes to Justice Scaliger, none of them take that view.

I would like us to remember the context, if you will, of this debate because while there are those who have these deeply held moral beliefs, I have also heard much harsher things about this, as I have mentioned.

I talked to one person who called me up and said that they are against this legislation. I said I had concerns about restrictions on abortions because of what has happened in other states. Some of the proposed restrictions have had terrible effects in other states where young women have self-induced abortions with terrible affects on their health — where they have gone to other states and have been beaten up by their parents and terrible things have happened to them. This person told me, and I will quote them verbatim, they said to me, "Good, there needs to be some physical retribution." We are talking about teenage pregnant girls here, "There needs to be physical retribution, the rod needs to be applied." That is an exact quote. That concerns me because with some of these proposed restrictions, the rod would indeed be applied.

I would quote to you from a case, *Hodgdon v. Minnesota* of the Supreme Court of the United States, where in the record of the court quotes a doctor testifying in district court about a 14 year old patient, "that in order to keep her pregnancy

private, she tried to induce an abortion with the help of her friends because she was so terrified of going to her parents. Under the so-called Parental Consent statute, similar to some of the proposals here, she couldn't feel that she could use that option of going to her parent who might be abusive. So, they used a metal object and inserted it into her vagina, tearing her body and the cervix and causing bleeding." Again, I am quoting from the record, "When that attempt failed to induce an abortion, the patient, then four or five months pregnant, did go to an abortion clinic but by that time, the doctors had to perform a hysterotomy and that person can't have a child in the normal way anymore." These are things that occurred in fact, on the record, in other states.

I raised these because I know that people like Robert and Laura Murray back in my district don't want something like that to happen. I believe as a practical matter that indeed that would be the practical results of some of the restrictions that are proposed. It is my belief that it is unfortunate that L.D. 318 is before us at all because I believe firmly that the right to privacy is a constitutionally protected right and that no legislature should have the power to restrict or address this issue.

If you go back to James Madison in his view of the Constitution under the Ninth Amendment, he says, "There are rights reserved by the people that are not of express in other amendments." So, looking at *Grizwald v. Connecticut* and the decision that people have a right to privacy, I think we have to finally respect that right.

I hope as someone who is an adoptive parent and someone who cares very much about people who might make the choice to put their child up for adoption or to carry their child to term that I as a legislator nor a majority of voters are the ones who should be making that decision finally. Ultimately, it has to be that individual woman's choice. That is why I vote the way I do. I won't be voting for restrictions and I won't be voting to put it out to referendum because, to me, the heart of the matter lies with that individual woman and her decision and I don't have a right to restrict that.

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

Representative COFFMAN: Mr. Speaker, Men and Women of the House: I wasn't really prepared to rise just yet but there is an issue here that was just previously mentioned about forcing women to have illegal abortions, dangerous abortions. I find it kind of ironic that the National Organization of Women (NOW) is supporting groups, self-help groups, in menstrual extraction. They are traveling around this country and by their estimates, they have done 20,000 extractions around this country in over 100 self-help groups so that women can perform their own abortions. They call this menstrual extraction.

They recently came to Maine to the greater Farmington NOW chapter and held this educational program for the women there. I just find it kind of ironic and I can't understand how I am always hearing about, if we have a restriction for minors, if we restrict in any way a woman's right to freely get an abortion, even by a 24 hour waiting period, even by providing literature or information for her, that it would force these women and young girls to get illegal abortions. Yet, the same group that is using that argument also seems to be supporting menstrual

extraction. I just find it kind of ironic and I don't quite understand the thinking behind this.

I, myself, came down here as a choice legislator. I stated publicly, it appeared in the Bangor Daily News that I was a choice legislator. That does not mean that I favor abortion. I personally have strong feelings on this issue but professionally I came down here stating in public, in the newspapers, that I would not take away a woman's right of choice. That is her choice.

I also stated publicly that I favored some sort of parental consent, parental notification and a waiting period. By doing that, I was targeted as one of eight legislators around this state for defeat by the National Organization of Women, by the National Abortion Rights Action League. Clearly what is at issue here, if I stated that I was choice, they had targeted me for defeat because I favored something that the majority of the people in this state and in this country favor. Sixty-six percent favor a waiting period, 74.5 percent in this state favor parental consent. I just can't understand the rationale behind this. What does the other side really want? What are they really after?

Somebody mentioned that it is kind of like the NRA and AK-47's, the assault rifles, that the NRA does not want to outlaw them, they want to fight strongly to keep them in place, not because they really believe that everybody should have them, but they feel — what is next, the shotgun in your closet, the handgun in your drawer? So, they start the battle way out there and consequentially we are assaulted, you read about it in the news all the time with wacko's that go out there with these assault rifles and blow away numerous people.

Now we get back to the abortion issue which I think a common sense approach is to have some sort of restrictions. I wouldn't even call them restrictions, they are part of the procedure of getting an abortion.

Is it too much to ask that our children — I have two daughters myself, it really galls me that there are people down here that want to take away my parenting rights. I mean, when I sat up in the Judiciary Committee, which I heard mentioned previously that they overwhelmingly voted for 318, we all know down here that doesn't mean anything. That doesn't reflect what is happening here in this body and it certainly doesn't reflect what is happening out in the rest of the state. There are individuals there that have strong feelings one way about it. I noticed that when it came time to ask for committee appointments that there were certain ones that were really trying as hard as they could to get on that. I don't remember asking for Judiciary but maybe I should have, to add a little more balance to that committee. I am not trying to bring down what that committee stands for. I have a great deal of respect for everybody who sits on that committee, I really do. But please don't insult me by implying that because the vote was overwhelmingly in favor of 318 that that means it translates out here the same way and out in the state the same way, it certainly does not.

I, myself, went around to a lot of constituents in my district and asked on this issue how they felt. I found two out of about 95 that were against parental notification and a waiting period. I mean, what more do I have to hear to convince me what the people really want? I would strongly favor this

social issue finally, once and for all, going out to referendum and letting the people decide.

The thing I was going to mention when I was in the workshop session of Judiciary that I heard stated by one of the members is that, yes, she understands how many people out there feel strongly about parental consent and a waiting period. She knows the numbers but yet she feels — this is what I heard — that people out there don't understand the issue and, therefore, it shouldn't go out to the people, it should remain here and be decided by us here. I strongly, strongly disagree and I would ask each and every one of you to consider what the people, the majority of the people, out there want. I didn't come down here to force my will on the people of this state. Just like I told you, I have strong feelings about the abortion issue but I came down here reflecting what I felt was the majority of my constituents. I gave up my personal feelings to represent them. That is all I am trying to do. I am not trying to be a politician down here, I am trying to be a Representative, to represent the views of people and we should all keep that in mind.

You recall the controversy we had here a couple of weeks ago where everybody was so concerned about all the phone calls that were coming in about a certain matter. Yet, the majority of us stood tall and voted the way we should have voted on that. Yet, here we are saying that we are going to go against the majority of the people out there. People can only take that so often, that is why they are down here, that is why they filled the halls here today, because they are concerned that we are going to come down here and do what we want and forget them. You go out to your constituents and you hear that all the time. I hear it constantly — why are we forgotten? Why are we forgotten? That is what they are telling me. As soon as you guys get elected, you go down there and that is the last thing we hear from you. Several people out in the hall approached me and said that they were asking the legislators as they went through how they felt about this bill and if they were going to support it or not. The ones that were going to support 318, there were five of them that wouldn't even give their names. Now, that is the height of arrogance, I think.

First we are going to.....(applause from the gallery!)

The SPEAKER: The Chair would ask those of you in the gallery to please refrain or the Chair will clear the gallery.

The Representative may continue.

Representative COFFMAN: Mr. Speaker, thank you.

Those who are proposing to vote for 318 are going to go against the majority of this state. I presume the same ones will vote down 819 and 820, Parental Notification, the waiting period, and then they won't even give their names to the people in the hall. That is a great system we have. We don't care what the majority wants, we don't — well, we do care, we do not want our names out on how we vote. Evidently, I am starting to think maybe the people have something, maybe they really know how it works down here. We have got to work really hard to gain the respect of the people in this state, to re-regain that. The polls that were taken awhile back that I saw at the workshop that Corrections put on at the Augusta Civic Center, even at that time which was early last year, showed that the approval rating for this body was lower than DHS. I didn't think there

was anything lower. Here we are after ballotgate, I can't imagine what the approval rating of this body is or maybe I can imagine it — you don't have to have much imagination to know, we slipped down even lower. We have got to do something to show the people of this state that we are reflecting down here by our actions what their will is. We don't come down here to represent our own private views, our own will, we are representing our people, the constituents that we have.

I would ask you to vote down this bill 318 or at the very least consider what the people's will is. Consider doing their will for once in rebuilding the confidence and approval that we all so desire here.

I am proud to be down here. I am proud of the people that are down here. There are some wonderful people. A day doesn't go by that something doesn't come my way to reinforce that. I think that we should make the people out there proud of us because they are the ones we answer to. On this issue, I know how the people feel, you know how the people feel. Polls have been taken, telephone calls have come — if those of you who were all set or did actually react to the phone calls you got from that one weekend, well maybe you ought to count the phone calls you got on this issue because I have talked with the Clerk's Office and the overwhelming majority of phone calls that came in were against 318, for parental notification and for a waiting period. So, let the people talk, once and for all. Let's do the people's will.

The SPEAKER: The Chair would make two comments under House Rule 1. No legislator needs to tell anyone how they wish to be recorded or will be recorded prior to a vote. However, all votes taken in this body are recorded by roll call. They are in the permanent journal of this legislature forever.

Second point, the Clerk's Office does not reveal, including to the Speaker, how the phone calls are going. No tallies are kept and no one knows what the percentages are or the numbers are. Those messages are merely passed on to you and the only way anyone could figure it out is if they went around and counted the messages and read each one on every single legislator's desk.

The Chair recognizes the Representative from Eastport, Representative Townsend.

Representative TOWNSEND: Mr. Speaker, Men and Women of the House: I also am a pro-choice legislator. I have run on that, I have been very adamant about it. I do not need somebody else telling me how my people feel. That is always something that you have to interpret and I wouldn't be so presumptuous to get up here and say, vote this way, vote that way, because I know the people of the State of Maine feel this way.

A couple of points — in 1987, there was a large move during the election to get this onto a referendum and it failed miserably, I just want you to know that.

I also take pride keeping in touch with my constituents. I have counted my phone calls and only mine and they were overwhelmingly in support of L.D. 318. I could go on quite some time about this issue because, like most of you, this issue is very dear to my heart and it is a matter of conscience. To get up here and say that I feel constantly about this issue everyday would be to misinform you. This is an issue that takes a lot of thought, a lot of conscience, you kick it around, and you think about it even when you

don't want to think about it. I did not come to my decision lightly.

You know, after all the pro and con, the rhetoric, misinterpretation of facts and the whole works — to me, this is how this comes down on this particular issue. First off, I have a daughter and if she were to get pregnant and needed my help, she would have it. Not only my love, not only my understanding, not only my financial help, but every step of the way, no matter what her choice was, her choice would not negate my love for her or my support for her. How I would advise her is between me and my daughter, period.

What this issue comes down to to me is this, we have heard a lot about women in the past how they have their children and God bless them, God bless each and every one of us, I don't care what side of the issue you are on on this, I would offer to you, what choice did they have 50 years ago or 100 years ago? They had a role in society and that role was to stay home and have babies. That role was designated for them by the male dominated society. That is what this issue comes down to. If men were getting pregnant, abortions would have been legal for 100 years.

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

Representative PFEIFFER: Mr. Speaker, Men and Women of the House: One of the previous speakers said, what does the other side really want? I think we should really look at what those who claim to be pro-choice, but advocate restrictions, really want. In my view, many of them really want to outlaw a woman's right to have an abortion.

Look at the practical effect, for the last 30 years, I have spent part of every year in Washington County which, as you all know, is the poorest county in Maine. Washington County has a land area of 2,528 square miles. That is two and a half times the entire state of Rhode Island. There is no public transportation in Washington County. The Secretary of State has found that ten percent of all registered voters do not own motor vehicles. In Washington County, I suspect that figure is a lot higher. Think what a woman who finds that she is in need of an abortion faces in Washington County. It is my understanding that there are no clinics that will offer an abortion in the county. There are perhaps private physicians who will but they are far and few between. A woman who requires an abortion has to drive hundreds of miles to find someone who will attend to her needs. To ask her to make that trip, then go home, then set out again in a borrowed car or with the aid of a friend or whatever fashion she can do it, I think is to make stumbling blocks in her path so extreme that it is almost tantamount to outlawing her right to an abortion, which as far as I know, has not been outlawed in this country yet.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Simonds.

Representative SIMONDS: Mr. Speaker, Men and Women of the House: I suspect that most minds are made up on this issue. I do rise to support L.D. 318 in its form without amendments but I recognize that there may be many of us here who are still genuinely perplexed about how we can protect, not punish, how we can help and not hurt.

As a Human Services practitioner in the past and

as one who has been deeply involved with agencies helping families, young people, children, perhaps I can be helpful by sharing our experience on two of the most troublesome issues that we are facing here, namely the question of parental notification and informed consent.

Most minors, we know from experience, personal experience probably, and certainly with the agencies that are helping families and children know, that most minors have already had extensive communications with their families, with their parents and this happens when there is mutual trust, where there is love, where there is understanding and when there is affection. For others, however, who don't enjoy that kind of mutual trust and respect, to require a communication with a member of the family can simply invite more rage, more frustration, and probably more abuse.

I have two daughters and, fortunately, they have been able to come to me and to my wife with the most intimate, the most difficult issues in their lives. But, if for some reason they felt they were unable to do that, we did not have that mutual trust, love and understanding, I would not want their decision, their choice, influenced by that kind of an unhealthy relationship. I would hope that they would find alternatives, counsel, and advice outside of the immediate family. Very wisely, the legislature in the 114th, did pass adult involvement legislation which you have heard this morning. It is on the books and appears to be meeting the needs of minors. In the end, our goal is to protect and not punish.

On the 24 hour waiting period, the informed consent, imposing this requirement on top of probably an agonizing process of decision making that has already gone on between the woman, her family, her friends, is simply to add more frustration, cause more pain, probably more costs as the Representative from Brunswick has just pointed out, and in the eyes of that woman, more punishment. In the end, this proposal I think hurts more than it helps.

L.D. 318 simply codifies the existing practices in the State of Maine and when I got that message across to the many who called me about this issue, I pointed out that we do have adult involvement legislation, that we are not changing our current practices in Maine that appear to be working well, I generally found agreement and that we should enact 318 without amendments.

I hope you will support the pending motion.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Simoneau.

Representative SIMONEAU: Mr. Speaker, Ladies and Gentlemen of the House: I will be voting against 318 this morning and I will give you my reasons for it.

First of all personally, I believe that life begins at conception and from an absolute moral point of view, abortion is wrong. But, I don't live in a perfect world and I accept the fact that there are situations under which abortion is a legitimate course of action. I would not refuse or try to stop someone from doing that.

From a public policy point of view, I am pro-choice within reason. In running for this office, I had a debate one night with about 35 people in the audience. My opponent was a lawyer and the question of abortion came up. His position was very clear, he believed in absolutely no restrictions of any kind. They asked me what I thought and before I

gave them an answer, I said to the people in the audience, there are two questions I want to ask you with a show of hands. I will not do that here. With a show of hands, I said, how many of you have strong feelings on abortion, one way or the other? Every hand went up. I then said, how many people in this room, including the reporters, have read Roe v. Wade? Five hands went up, including mine and my opponent. Three people had read Roe v. Wade.

I happen to think that we are going beyond Roe v. Wade here. If I could have a minute or two, I will explain why. Roe, in my way of thinking, is on balance. I will ask you the question without a show of hands, think about this, if you haven't read Roe v. Wade, before you accept the argument that all we are doing is codifying Roe v. Wade, I suggest you read it and think about it.

The issue in Roe v. Wade, and I am not an attorney as Representative Faircloth is, but in reading it, I find the issue beyond the privacy issue concerned the 9th and 14th Amendments of the Constitution. The 9th, as he said, is the one that reserves to the people of the states those rights not given to the federal government. The 14th gives us equal access under the law. We had a law in Texas that was more restrictive than what you would have, say in California. This woman said, look, I am being denied my rights under this 14th Amendment, you have gone too far with the 9th. So, we find ourselves in front of the Supreme Court and Justice Blackman comes down with his decision. It is a massive document — if you read it, it goes back over hundreds of years, thousands of years of religious, medical and legal thoughts.

I had distributed to you a copy from a legal textbook dealing with Roe v. Wade. Some of you may still have it but I would like to read these two or three paragraphs to those of you who haven't. It starts out by saying, "Specific and direct harm medically diagnosable even in early pregnancy, may be involved. Maternity, or additional offspring, may force upon a woman a distressful life and future. Psychological harm may be imminent. Mental and physical health may be taxed by child care. There is also the distress for all concerned associated with the unwanted child and there is a problem of bringing a child into a family already unable, psychologically and otherwise, to care for it."

In other cases, as in this one, this is Roe v. Wade now, "The additional difficulties and continuing stigma of unwed motherhood may be involved. All these are factors the woman and her responsible physician necessarily will consider in consultation." Listen very carefully to this, this is Justice Blackman speaking. "On the basis of element such as these, appellates and some amici argue that the woman's right is absolute and that she is entitled to terminate her pregnancy at whatever time, in whatever way, and for whatever reason she alone chooses. With this we do not agree." That's Roe v. Wade. They don't agree with that. "The Court's decisions recognizing a right of privacy also acknowledge that some state regulation in areas protected by that right is appropriate. A state may properly assert important interests in safeguarding health, in maintaining medical standards, and in protecting potential life. At some point in pregnancy, these respective interests become sufficiently compelling to sustain regulation of the

factors that govern abortion decisions. The privacy right involved, therefore, cannot be said to be absolute. In fact, it is not clear to us that the claim asserted by some amici that one has an unlimited right to do with one's body as one pleases bears a close relationship to the right of privacy previously articulated in the Court's decisions. The Court has refused to recognize an unlimited right of this kind in the past." It referred to two other cases. "We, therefore, conclude that the right of person privacy includes the abortion decision, but that this right is not unqualified and must be considered against important state interests in regulations." One more paragraph that I didn't distribute and it refers to the woman's right and a woman's body. Again, Roe v. Wade. "The pregnant woman cannot be isolated in her privacy. She carries an embryo and later a fetus. The situation, therefore, is inherently different from marital intimacy or bedroom possession of obscene material, of marriage, procreation or education. It is reasonable and appropriate for a state to decide that at some point in time another interest, that of health of the mother or that a potential human life becomes significantly involved, the woman's privacy is no longer sole and any right to privacy she possesses must be measured accordingly."

I feel we are going beyond Roe v. Wade, I feel we are going beyond a reasonable approach to this very difficult problem.

I urge you to think about what I have said and if you haven't made your mind up, I urge you to vote against 318.

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

Representative SAXL: Mr. Speaker, Men and Women of the House: I rise with whatever little voice I have today to enter into the debate.

It is not really because I believe that any of you haven't already made up your minds but I think I would just like to add my sentiments to this discussion.

The opinions are held very deeply, the points of view are very strong and adamant and emotional, both pro and con. I have listened to the debate in the Judiciary Committee, it was about nine hours worth of debate, certainly my telephone calls have come like yours as have the letters — there is no question about the depth of emotion there is in this debate. It is because of that very depth of emotion, because of the pluralism of our society that I feel strongly we should keep government out of this decision. It was because of these disparate viewpoints and because of the strong felt feelings that these have to become individual decisions rather than those imposed by government. So, it is for that reason that I would urge you to support 318 so that we keep government out of these issues and allow each of you to do as your conscience dictates and as your religious precepts teach you.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, Men and Women of the House: I believe this may be the fourth time that I am forced to vote on this legislation in my 11 years of service in this House.

It was the legislation that caused me the most soul-searching of any legislation that I have ever voted on. My first consideration was that I could never possibly have had an abortion in my

childbearing years. I am also a Roman Catholic which was making my decision a doubly difficult one because of my religious beliefs. I prayed long and hard for insight to make the right decision, the decision that I was elected to do in serving in this chamber. I remember thoughts going through my head such as, who was I to force a woman to have a child that she did not want. Then if she did have this child, was I going to be responsible if she were going to abuse this child later? We know that there have been a few infant deaths in this state. So, after much prayer and deliberation, I came to the conclusion that I could not impose my will and my beliefs on the people. My religion also teaches me that people are responsible for their own actions and, even more, I was not put on this earth to judge people so I peacefully put to rest my decision and that was to vote for choice and let the decision be made between a woman, her doctor, and her God.

I felt that as a legislator my responsibility was to assure that the people who had to make the decisions be able to do it in an informed manner. I believe that over the years this body has written into law those things that will help women make informed decisions. I believe what we currently have in law, the 48 hour waiting period, is a good bill. Today's legislation is not necessary. We can vote no and still have choice available but with better information and time to think and ponder the ultimate choice.

I plan to vote no on the pending motion and keep what we have currently in law. I hope you, too, will vote no and keep our current legislation.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I rise today against L.D. 318. Maine already has an abortion law, some fifteen pages of it. It assures a woman's right to abortion if that's the way she chooses. It also assures the people who are employed in the hospitals their right to refuse to perform abortions on anyone. It assures the doctors, nurses or any other person working in that hospital, it also assures them that the hospital itself has a right to refuse to perform an abortion. I think those are basic rights that we should uphold today.

There is a paragraph in here that preserves the life of a live born person. A baby does not have to be carried to full term to be able to live outside the mother's womb. Today, with modern techniques, children six months old or even younger, have been known to live.

The laws that we have on the books today says that if a fetus is born, it breathes, and shows any sign of life that a person who is responsible for snuffing out that life, under Maine law, it's called homicide, manslaughter, civil liability for wrongful death and medical malpractice so it assures that child's life. It also assures that abortion cannot be performed after viability. Viability is between 23 and 24 weeks, according to the law.

Those of us who believe that abortio — maybe in some cases, — I agree with Representative Simoneau that we do not live in a perfect world and maybe there are cases for abortion, not because I am going to have a girl and I want a boy, not because it is not the right time in my career, not because I just don't think I want a baby, I had time to think about that before. There are plenty of ways not to have

children, there is no need of a pregnancy if you really don't want one.

Also, our law repeals the 1597 law for the parents' consent to minors, 1597a which we passed in 1989 repeals 1597 so there is no parental consent in the State of Maine for a minor. Today a minor can have an abortion by anyone counseling her. It can even be the doctor who performs the abortion, it can be his receptionist. Talk about the fox guarding the chicken coop — of course, he is going to talk her into an abortion.

Our law explains what an abortion is, it defines the difference between an abortion and a miscarriage. It also explains what we can do, it explains the counseling and it gives us 48 hours to make a decision. I believe that every person who has an abortion should have a time to stop and think it over because it is a big decision. It is a decision that could ruin their lives. If you talk to people who have had children and who lost them, it is something that they never forget. I think I would feel the same way about a child if I had aborted it.

I can remember my grandfather telling me about the two children that he and my grandmother lost and they had nine. He said that there was not a day that he did not think of those two children. They certainly died long before I was born but I grew up almost as if I knew them because they kept their memories alive all those years.

Today, abortion in this country is a major industry, it is a money maker. Doctors are getting wealthy on them. Why do you think that there is such strong lobbying for abortions? Even here in Maine they will tell you that there are no abortions after viability. That's not true. The Chief of Obstetrics at Maine's largest hospital, Maine Medical Center, has a national reputation for performing late term abortions.

If we pass L.D. 318 today, we are opening up this state to abortion on demand at any time. I have read nothing in there that tells me they cannot abort up until the time of delivery. It has been said here today that a baby is not a life until it has been born. Having had four children, carried to full term, I would disagree with that because I believe around the fourth month is when you start to feel a life. From that time on, I believe that there is a life living in there and that a woman carries that life. It has to be developed a little more to be stronger enough to live on the outside but that child is fully formed. It is breathing in its own way through the mother. I know that that is a debatable question but those are my beliefs. I certainly believe today that we should vote down 318.

I know many have said that when they went out campaigning — I'm a person that you usually know where I stand and when I was out campaigning, in fact it was my second time campaigning, and I was asked many times where I stood. I told them right out — if you want someone to go up there and vote on abortion on demand, don't vote for me, vote for my opponent because that is something I cannot do, I don't believe in it and that is the way I feel today. This is my fifth term here in the legislature so I guess that most of them, even if they didn't agree with me — as they say, maybe we don't always agree with you Eleanor but we know where you stand and that is true with most people here.

I would urge you today to vote against L.D. 318. Let's send it out to the people. A woman called me

last night and she said, "Why don't you send it out so we women can vote on it instead of a male dominated legislature?" She said, "It really is a woman's issue, why don't you let us vote on it?" I agreed. I said, "Well, that sounds like a pretty good idea to me." So I would hope that when the time comes and we get to second reading, you would support Representative Pouliot's amendment.

Thank you and please vote against L.D. 318.

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

Representative CATHCART: Mr. Speaker, Ladies and Gentlemen of the House: I was not going to rise today because the hour is getting late and we all have other business to attend to but I do want to just briefly remind you what L.D. 318 will do.

As Representative Farnsworth said so well a couple of hours ago, L.D. 318 will preserve the status quo on abortion in Maine as it has been in practice since Roe v. Wade twenty years ago. It will not add new unrestricted abortion on demand or any of these other things. It will not take away the conscience clause, it will not force physicians or hospitals to perform abortions if they have religious objections. It will simply keep our right to choose the way it has been for the past twenty years. If we do not pass L.D. 318, we are in danger that other restrictions that have been enjoined by the federal court will be made law again in Maine and that our rights will be restricted.

I urge you to please pass L.D. 318 now.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative Marshall.

Representative MARSHALL: Mr. Speaker, Colleagues of the House: Reference was made several times today to Hitler one way or the other and that Hitler was not a good example to be made. I guess I would have to agree with that. Hitler killed 9 million people, we are on the verge, I guess conservatively, of hitting 35 million children that have been aborted. Some estimates will say as many as 60 million so perhaps Hitler is not a good comparison to make.

We also have a prisoner incarcerated in Maine that raped and left for dead a young lady in a ditch in Cape Neddick assuming that he had killed her. He is incarcerated and he has been implicated on several other rape/murder situations, both in Maine and outside of Maine and we will protect his life. We will go to great measures to protect his life, perhaps even to the point of spending \$50,000 or \$60,000 a year to do that.

Another question that has been brought up is that of viability. When does viability start? It seems to me a child that has been born — I have three children myself, they have all gone full term with natural births, but after they were born, they needed a whole lot of care. They needed physical attention and emotional attention. Without that, they would surely die. Are they viable at that point? I think not.

On the other end, when do we become not viable? Perhaps at 65, 70, 90? When do we become no longer of service and therefore we do perhaps something like they did in Holland and decide that when you outlive your usefulness, you can be put away.

Presently in Maine it is unlawful to cut a tree with a Blue Heron nest in it. There is a \$500 fine for doing this. This is to protect our natural resources. It doesn't even have to contain eggs or a nesting bird, we just want to protect that nest. We

protect swamps as irreplaceable natural resource places. We worship whales or we nearly worship whales, maybe we do worship them. Seals are protected. People are ridiculed for wearing animal fur for clothing so that we protect animal lives.

How about protecting our most valuable natural resource, our children? What would be our responsibility if you were to see someone beating a child so as to kill it? Wouldn't it be your responsibility to protect that child, even at the cost of your own life? The chief responsibility of civil government is protection of its citizens, why can't we protect the safety of those citizens yet unborn, at least to the same extent that we protect an empty Blue Heron nest or a whale or even some of our most heinous criminals that are incarcerated in our jail systems? Apparently an empty Heron nest is more valuable than a child in the womb.

This is not a choice bill as has been mentioned before, this is a pro-abortion bill or an abortionist bill. This protects their right to do abortions unhampered, unrestricted and unhindered. We have trashed totally our Judeo-Christian ethics. I am concerned about the results of this rejection of these ethics. Ultimately, it could be the loss of respect for human life altogether.

Perhaps a responsible use of our sexual energies would be more appropriate. This might even curb the spread of the growing number of STD's that is nearly of epidemic proportions in our country today.

I would ask that we defend and protect the rights and safety of our unborn children. Today, statistically, the womb is the most unsafe place for a child to be. We need to consider that safety is the prime responsibility of the state. Let us include all our children in this safety. Is it too much to ask to wait a few hours to explain the development of an unborn child and to have the parents involved in this decision before we decide to take this life?

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Ketterer.

Representative KETTERER: Mr. Speaker, Ladies and Gentlemen of the House: I am a member of the Judiciary Committee and I signed the Majority "Ought to Pass" Report. I want to share with you briefly my reasons for doing so.

I am a Roman Catholic and that teaching has convinced me that abortion is not the right choice, it is the wrong choice. Having that in mind and having in mind the real world that we live in and notwithstanding that, I still signed that Majority Report. I think in government we need to have stability and we need to have continuity, we need to know that if you rob a bank in 1959 and it is illegal and you rob a bank in 1989 and it is illegal, do the same principles apply? For 20 years we have had current stable law in the State of Maine. As policy-makers we should make sure that that continues to be the case. The people of the State of Maine deserve that continuity on this important issue. The issue to me is really no larger than a predominantly male legislature directing predominantly male physicians to tell women what they can do with their bodies.

When I was nominated by my party to run for this House seat, I made a promise to the women who live in District 102, today is the day that I keep that promise.

The SPEAKER: A roll call has been ordered. The

pending question before the House is the motion of the Representative from Auburn, Representative Cote, that the House accept the Majority "Ought to Pass" Report.

The SPEAKER: The pending question before the House is the motion of the Representative from Auburn, Representative Cote, that the House accept the Majority "Ought to Pass" Report.

The Chair recognizes the Representative from Caribou, Representative Robichaud.

Representative ROBICHAUD: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with the Representative from Lincoln, Representative Thompson. If Representative Thompson were present and voting, he would be voting yea; I would be voting nay.

The Chair recognizes the Representative from Greenville, Representative Gould.

Representative GOULD: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with the Representative from Brunswick, Representative Rydell. If Representative Rydell were present and voting, she would be voting yea; I would be voting nay.

The SPEAKER: The pending question before the House is the motion of the Representative from Auburn, Representative Cote, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 22

YEA - Adams, Aikman, Ault, Barth, Bennett, Bowers, Brennan, Bruno, Cameron, Carleton, Caron, Carroll, Cashman, Cathcart, Chase, Clement, Coles, Constantine, Cote, Daggett, DiPietro, Donnelly, Dore, Erwin, Faircloth, Farnsworth, Fitzpatrick, Foss, Gamache, Gean, Gray, Greenlaw, Gwadosky, Hale, Hatch, Heeschen, Heino, Hillock, Hoglund, Holt, Johnson, Joseph, Kerr, Ketterer, Kilkelly, Kontos, Larrivee, Lemke, Lemont, Libby James, Lindahl, Lipman, Lord, Marsh, Michael, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Nash, Nickerson, Norton, O'Gara, Oliver, Paradis, P.; Pendexter, Pendleton, Pfeiffer, Pineau, Plourde, Poulin, Rand, Reed, G.; Richardson, Rotondi, Rowe, Saint Onge, Saxl, Simonds, Skoglund, Small, Spear, Stevens, K.; Sullivan, Swazey, Tardy, Taylor, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, True, Walker, Wentworth, Whitcomb, Winn, Zirkilton.

NAY - Ahearne, Aliberti, Anderson, Bailey, H.; Bailey, R.; Beam, Campbell, Carr, Chonko, Clark, Clukey, Coffman, Cross, Dexter, Driscoll, Dutremble, L.; Farnum, Farren, Hichborn, Hussey, Jacques, Jalbert, Joy, Kneeland, Kutasi, Look, MacBride, Marshall, Martin, H.; Melendy, Michaud, Murphy, Pinette, Plowman, Pouliot, Quint, Reed, W.; Ricker, Simoneau, Stevens, A.; Strout, Tufts, Vigue, Young, The Speaker.

ABSENT - Cloutier, Libby Jack, Ott, Ruhlin.
 PAIRED: Robichaud (Nay)/Thompson (Yea); Gould (Nay)/Rydell (Yea).

Yes, 98; No, 45; Absent, 4; Paired, 4; Excused, 0.

98 having voted in the affirmative and 45 in the negative with 4 being absent and 4 paired, the Majority "Ought to Pass" Report was accepted, the bill read once.

Under suspension of the rules, the bill was read a second time.

Representative Pouliot of Lewiston offered House Amendment "F" (H-107) and moved its adoption.

House Amendment "F" (H-107) was read by the Clerk.

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

Representative POULIOT: Mr. Speaker, Ladies and Gentlemen of the House: I will try to be very brief. We have gotten to the issue that I really wanted to get to today. It is merely an amendment to send it out to the voters.

I would like to reiterate — four times today in the debate we heard "keep government out." Listen to the words, "keep government out" — is the government in here or is the government out there? If you want to keep government out, this is so simple, you have the perfect tool today. Send it to the voters, that's keeping government out.

Should women have a choice? Yes, all women should have a choice, all women in this body, all women in this state. That's choice, that is all this referendum is about. If you wish to do the people's business and let the people speak on this issue and let's not cloud the issue. I honestly sense that a message is being sent forthwith, out there, and there will be a referendum ladies and gentlemen of this House. If this referendum must be initiated by the people themselves, I firmly believe that it will happen.

I ask and plead with you to support the amendment. Mr. Speaker, when the vote is taken, I would ask for a roll call.

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

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

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Farnsworth.

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: With all due respect, I would suggest first of all that I believe the question posed here, even if it were approved, would be unconstitutional. That may seem surprising since I know some people believe that we just voted on something that keeps any restrictions off abortions but, as a matter of fact as many people took great pains to point out, we do have restrictions in our law on abortions. Some of them are appropriate and I think in fact that what we have just done is reaffirm that we believe that the restrictions we have make sense, that we don't want any more restrictions or any additional restrictions.

We are talking here about changing the law in a very radical way and I would urge you to not send this amendment out because I don't believe it will satisfy anybody on either side. It is not a helpful way to resolve this issue. This legislature has a law that includes reasonable restrictions and this bill, as it is written, would prohibit any.

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

Representative PLOWMAN: Mr. Speaker, Men and Women of the House: I would just like to point out one point to the body. This bill has not even been enacted into law and we just heard that a restriction

is unconstitutional. Please keep that in mind when you are voting today.

The SPEAKER: A roll call has been ordered. The pending question before the House is adoption of House Amendment "F" (H-107). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 23

YEA - Ahearne, Aliberti, Anderson, Bailey, H.; Bailey, R.; Beam, Bennett, Bruno, Cameron, Campbell, Carr, Carroll, Chonko, Clark, Clukey, Coffman, Cote, Cross, Dexter, DiPietro, Driscoll, Dutremble, L.; Erwin, Farnum, Farren, Gould, R. A.; Heino, Hichborn, Hussey, Jacques, Jalbert, Joy, Kneeland, Kutasi, Lemke, Lemont, Libby James, Look, Lord, MacBride, Marshall, Martin, H.; Melendy, Michael, Michaud, Murphy, Nash, Pendleton, Pineau, Pinette, Plourde, Plowman, Pouliot, Quint, Reed, W.; Ricker, Robichaud, Rotondi, Saint Onge, Simoneau, Spear, Stevens, A.; Strout, Sullivan, Tardy, Tufts, Vigue, Young, Zirkilton, The Speaker.

NAY - Adams, Aikman, Ault, Bowers, Brennan, Carleton, Caron, Cashman, Cathcart, Chase, Clement, Coles, Constantine, Daggett, Donnelly, Dore, Faircloth, Farnsworth, Fitzpatrick, Foss, Gamache, Gean, Gray, Greenlaw, Gwadosky, Hale, Hatch, Heeschen, Hillock, Hoglund, Holt, Johnson, Joseph, Kerr, Ketterer, Kilkelly, Kontos, Larrivee, Lindahl, Lipman, Marsh, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Nickerson, Norton, O'Gara, Oliver, Paradis, P.; Pendexter, Pfeiffer, Poulin, Rand, Reed, G.; Richardson, Rowe, Saxl, Simonds, Skoglund, Small, Stevens, K.; Swazey, Taylor, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, True, Walker, Wentworth, Whitcomb, Winn.

ABSENT - Barth, Cloutier, Libby Jack, Ott, Ruhlin, Rydell, Thompson.

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

70 having voted in the affirmative and 74 in the negative with 7 being absent, House Amendment "F" (H-107) was not adopted.

Representative Plowman of Hampden offered House Amendment "I" (H-112) and moved its adoption.

House Amendment "I" (H-112) was read by the Clerk.

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

Representative PLOWMAN: Mr. Speaker, Men and Women of the House: Before you, you have House Amendment "I." I have looked over what we have had in the past for laws governing abortion in the State of Maine and I propose this amendment because this does what the proponents of the pro-choice bill says it does. It codifies the law as we have seen it for the last 10 years in the State of Maine. It takes out the 48 hour waiting period, it takes out the parental notification but it does not include the proactive, preemptive language that was included that says the state shall not restrict a woman's decision. It codifies it as you have been hearing for the last month and a half. I would ask you to consider this as an amendment to 318 because it is doing what they say it is doing.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Farnsworth.

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: I actually find this amendment confusing because on the one hand, I don't disagree

with what Representative Plowman just said, and I don't think it is a major problem if we were to pass this amendment. I also think that there are a great many people here that believe there ought to be informed consent for a woman and perhaps what she is trying to do is open a door for a later amendment.

What was done, just so you understand and you can make your own decisions, is in Section 4 of the bill there is put in place the repealed language. She is proposing to keep the first paragraph in the bill which provides that a physician may not perform an abortion without written consent, which we have now for other reasons in the law, and take out anything that mandates informed consent.

We believe that physicians are already required by current law, malpractice standards and so on to — I guess I would just say to you that I think the point of this amendment is to muddy the water, that in fact the amendment itself is unnecessary, that the language put in provides things that most people agree are reasonable and it keeps the optional provision in that, at a woman's request, she be given alternative information.

I suggest to you that L.D. 318 is the best, cleanest, most appropriate way to go and I would urge you to reject this amendment for that reason alone.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Treat.

Representative TREAT: Mr. Speaker, Men and Women of the House: I urge you to vote against this amendment. This amendment does repeal the affirmative statement that Maine law should reflect what it has been for the last 20 years. That is an important thing which would not be in the law if this amendment is adopted.

We are not the only branch of government in this state or in the federal government as well — there are courts out there that make decisions without asking us what we think.

The purpose of adopting 318 is to clarify what we think in this state now and to make it the law so that it cannot be changed in the future by Supreme Courts or other entities that may think differently. This amendment would not in fact do what L.D. 318 does and I urge you to vote against it.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Farnsworth.

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: I would like to express my appreciation to Representative Treat because I simply wasn't reading this correctly. What I understand that this does, now that I look at it, is that it only leaves in the language about parental notification and it takes out everything else from L.D. 318, it guts the bill that we just passed and I appreciate the correction.

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

Representative PLOWMAN: Mr. Speaker, I would request a roll call on this.

I also would like to respond. This does not take out the consent language, this is not an amendment to the current law, it is an amendment to 318 as you have it before you. So, it has been interpreted earlier during the day to take out the informed consent language. That is not what it does. It does take out the affirmative language, it does take out the proactive stance for the State of Maine, I don't think that is an appropriate stance for us to be

taking today, I think we ought to listen to the lobbyists in the hall and do what they said we should do and that's to codify Maine's law as it has been. That is what my amendment proposes to do.

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

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

The SPEAKER: The pending question before the House is adoption of House Amendment "I" (H-112). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 24

YEA - Ahearne, Aliberti, Anderson, Bailey, H.; Bailey, R.; Beam, Campbell, Carr, Clark, Clukey, Coffman, Cross, Dexter, Driscoll, Dutremble, L.; Farnum, Farren, Hichborn, Hillock, Hussey, Jacques, Jalbert, Joy, Kneeland, Kutasi, Look, Lord, MacBride, Marshall, Martin, H.; Michaud, Murphy, Pinette, Plourde, Plowman, Pouliot, Quint, Reed, W.; Robichaud, Simoneau, Stevens, A.; Strout, Tardy, Tufts, Vigue, Whitcomb, Young.

NAY - Adams, Aikman, Ault, Bennett, Bowers, Brennan, Bruno, Cameron, Carleton, Caron, Carroll, Cashman, Cathcart, Chase, Clement, Coles, Constantine, Cote, Daggett, DiPietro, Dore, Erwin, Faircloth, Farnsworth, Fitzpatrick, Foss, Gamache, Gean, Gould, R. A.; Gray, Greenlaw, Gwadosky, Hale, Hatch, Heeschen, Heino, Hogle, Holt, Johnson, Joseph, Kerr, Ketterer, Kilkelly, Kontos, Larrivee, Lemke, Lemont, Libby James, Lindahl, Lipman, Marsh, Melendy, Michael, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Nash, Nickerson, Norton, O'Gara, Oliver, Paradis, P.; Pendexter, Pendleton, Pfeiffer, Pineau, Poulin, Rand, Reed, G.; Richardson, Ricker, Rotondi, Rowe, Saint Onge, Saxl, Simonds, Skoglund, Small, Spear, Stevens, K.; Sullivan, Swazey, Taylor, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, True, Walker, Wentworth, Winn, Zirnkilton.

ABSENT - Barth, Chonko, Cloutier, Donnelly, Libby Jack, Ott, Ruhlin, Rydell, Thompson, The Speaker.

Yes, 47; No, 94; Absent, 10; Paired, 0; Excused, 0.

47 having voted in the affirmative and 94 in the negative with 10 being absent, House Amendment "I" (H-112) was not adopted.

Representative Murphy of Berwick offered House Amendment "C" (H-103) and moved its adoption.

House Amendment "C" (H-103) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative MURPHY: Mr. Speaker, Men and Women of the House: This amendment limits the term "health" to the actual physical health risks and prohibits expansive interpretations that could effectively authorize abortion on demand. By that I mean that it is the physical health of a woman and not a mental health, emotional health, it has to be a physical health for abortion.

I ask your support for this amendment.

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

Representative CATHCART: Mr. Speaker, Men and

Women of the House: I urge you to vote against House Amendment "C." This does attempt to limit the definition of what the health of the woman is. What it does actually is take away the physician's right to decide when the life or health of the woman is endangered. I think it is very insulting to doctors, we don't ask them and limit what they can decide in any other case that I know of this strictly and I don't think we should pass this either.

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

Representative COFFMAN: Mr. Speaker, I would like to ask for a roll call on this.

Mr. Speaker, Men and Women of the House: This amendment concerns the key word in this bill and that is "health." I have the definition from the Supreme Court here on that word. It says, "We agree with District Court 319 that the medical judgment may be exercised in the light of all factors. Physical, emotional, psychological, familial, and the woman's age relevant to the well-being of the patient. All these factors may relate to health. This allows the attending physician the room he needs to make his best medical judgment and it is room that operates for the benefit, not the disadvantage of the pregnant woman." That's the problem that a lot of people have with this one issue, this one word in there, the "health" of the woman. That's where this comes from, that this will allow abortions in basically all nine months of pregnancy.

When we start opening it up, not just the physical, but the emotional, psychological, who is interpreting this — I feel that this bill and these words here have not had a thorough going over by attorneys. I am afraid that when this gets passed, we are going to find a real mess on our hands. As an example, this word "health." What does this word actually mean? I would really like to know. If anybody has any answers to that, other than what the Supreme Court here says is basically anything allowing abortions for almost any reason — if anybody has any information otherwise, please let me know.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Farnsworth.

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: I would simply point out that, although it sounds as though this is a new provision of the law, this provision is one of the restrictions that we do have in the law that has been in there since the beginning, which is one of the restrictions on abortions after viability. I would submit to you that, although the Supreme Court had a fairly broad description which was just read to you, that Maine doctors who are the ones applying these words, not lawyers, to make a determination whether or not an abortion after viability is warranted, have only exercised this judgment in the most conservative way based on statistics.

Viability, as somebody said, tends to be after 22 to 24 weeks but, in Maine, less than .2 percent of all abortions are performed after the 19th week so we are talking about less than .2 percent of abortions in this state have been performed at an even earlier stage than what this word applies to. The suggestion that this is a loophole in the law big enough to drive a truck through is really unfounded by the evidence and unsupported by the practice of Maine doctors.

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

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: Just briefly in response to Representative Coffman's arguments. I would like to say that the issue is not about abortions for any reason, and that keeps surfacing as an issue, I think the issue is about abortion for private reasons, for reasons that aren't my business or your business or anyone else's business.

I think the intent of the law is to take it out of the public forum. I would hope that a majority of you would vote against this amendment and let people deal with their private problems, their private failures of either discretion or birth control (and there are failures of birth control) in their conscience, in their own families and in their own decision making.

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

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

The SPEAKER: The pending question before the House is adoption of House Amendment "C" (H-103). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 25

YEA - Ahearne, Aliberti, Anderson, Bailey, H.; Bailey, R.; Campbell, Carr, Clark, Clukey, Coffman, Cross, Dexter, Donnelly, Driscoll, Dutremble, L.; Farnum, Farnen, Hichborn, Hussey, Jacques, Jalbert, Joy, Kneeland, Kutasi, Look, Lord, Marshall, Martin, H.; Michaud, Murphy, Pinette, Poulin, Pouliot, Quint, Reed, W.; Robichaud, Simoneau, Stevens, A.; Strout, Sullivan, Tardy, Tufts, Vigue, Young, The Speaker.

NAY - Adams, Aikman, Ault, Beam, Bennett, Bowers, Brennan, Bruno, Cameron, Carleton, Caron, Carroll, Cashman, Cathcart, Chase, Clement, Coles, Constantine, Cote, Daggett, DiPietro, Dore, Erwin, Faircloth, Farnsworth, Fitzpatrick, Foss, Gamache, Gean, Gould, R. A.; Gray, Greenlaw, Gwadosky, Hale, Hatch, Heeschen, Heino, Hillock, Hoglund, Holt, Johnson, Joseph, Kerr, Ketterer, Kilkelly, Kontos, Larrivee, Lemke, Lemont, Libby James, Lindahl, Lipman, MacBride, Marsh, Melendy, Michael, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Nash, Nickerson, Norton, O'Gara, Oliver, Paradis, P.; Pendexter, Pendleton, Pfeiffer, Pineau, Plourde, Rand, Reed, G.; Richardson, Ricker, Rotondi, Rowe, Saint Onge, Saxl, Simonds, Skoglund, Small, Spear, Stevens, K.; Swazey, Taylor, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, True, Walker, Wentworth, Whitcomb, Winn, Zirnkilton.

ABSENT - Barth, Chonko, Cloutier, Libby Jack, Ott, Plowman, Ruhlin, Rydell, Thompson.

Yes, 45; No, 97; Absent, 9; Paired, 0; Excused, 0.

45 having voted in the affirmative and 97 in the negative with 9 being absent, House Amendment "C" (H-103) was not adopted.

Representative Vigue of Winslow offered House Amendment "E" (H-105) and moved its adoption.

House Amendment "E" (H-105) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: What this amendment does is it requires that enhanced information about the gestation stage of a fetus and about the provisions of law governing child support and adoption be provided to a pregnant woman — very simply. I hope that you support this amendment.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Farnsworth.

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: I would just like to make clear to people that this is completely in conflict with what we have already done today in the sense that it is a mandatory form of information provided to a woman just moments before an abortion is performed. The reasons why we felt voluntary information was adequate is because all the evidence is that at least two different times, at least a few weeks apart after a woman has learned that she is pregnant, she gets information and this is to provide pictures and other kinds of information that are unnecessary given the information already given by a doctor.

I urge you to defeat this motion.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Simoneau.

Representative SIMONEAU: Mr. Speaker, Ladies and Gentlemen of the House: I just have to respond to that. Think of the material that we all received from both sides of this issue when we were running. Think of the material that came from the pro-choice people — did you ever once see the word "baby, fetus, embryo?" When you read the description in their materials, for example, the saline abortion, they talk about the injection of the saline of the urine, which will result in the expulsion of the mass of conception. Now we have a reasonable request that says, look, this young woman or young child even, going in for an abortion, we don't want to show to this person that at different times of the development of this cell that common sense tells us is going to be a baby and a human being, that this is where you are and this is what's going to happen? We are going to offend her sensitivity if we show her pictures, according to Representative Farnsworth?

We are clicking through this bill and a whole bunch of amendments real fast. I know that it is getting late and we are getting hungry and tired, but this is not unreasonable. This is not unreasonable to show somebody what's in there and what's going to happen.

Representative Tracy of Rome requested a roll call.

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

Representative CATHCART: Mr. Speaker, Men and Women of the House: I rise to ask you to vote against House Amendment "E." Along with what you have already heard, this amendment would put into law a 24 hour waiting period, which is not contained in L.D. 318. We may have to address that issue later so I won't take up more time but I urge you to vote against this.

The SPEAKER: The Chair recognizes the Representative from Eastport, Representative Townsend.

Representative TOWNSEND: Mr. Speaker, Men and Women of the House: I would be more inclined to vote

for this if they would be fair on the information they show, not only information or pictures of aborted fetuses — let's show some 13 year old drug addicts laying in the gutter in the ghetto.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: Not too many years ago, we in this House stood and protected the eagle's egg to the tune of a \$5,000 fine. We stopped using DDT, spraying, we now have a problem with the farmers in the state and all to protect the, not the eagle but the eagle's egg, because it didn't have a shell that was hard enough to survive.

Here we are asking for a very, very minor protection for a so-called fetus or baby and we can't even give it some protection. I think we have lost something along the way, ladies and gentlemen. I sometimes wonder if I really want to be here. I ask you, please, let's support this one small amendment and give some protection to the unborn child.

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

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

The SPEAKER: The pending question before the House is adoption of House Amendment "E" (H-105). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 26

YEA - Ahearne, Aliberti, Anderson, Bailey, H.; Bailey, R.; Beam, Campbell, Carr, Chonko, Clark, Clukey, Coffman, Cross, Dexter, DiPietro, Driscoll, Dutremble, L.; Farren, Hichborn, Hillock, Hussey, Jacques, Jalbert, Joy, Kneeland, Kutasi, Look, Lord, MacBride, Marshall, Martin, H.; Michaud, Murphy, Pinette, Plourde, Pouliot, Quint, Reed, W.; Ricker, Simoneau, Stevens, A.; Strout, Tardy, Tufts, Vigue, Young, The Speaker.

NAY - Adams, Aikman, Ault, Bennett, Bowers, Brennan, Bruno, Cameron, Carleton, Caron, Carroll, Cashman, Cathcart, Chase, Clement, Coles, Constantine, Cote, Daggett, Donnelly, Dore, Erwin, Faircloth, Farnsworth, Farnum, Fitzpatrick, Foss, Gamache, Gean, Gould, R. A.; Gray, Greenlaw, Gwadosky, Hale, Hatch, Heeschen, Heino, Hoglund, Holt, Johnson, Joseph, Kerr, Ketterer, Kilkelly, Kontos, Larrivee, Lemke, Lemont, Libby James, Lindahl, Lipman, Marsh, Melendy, Michael, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Nash, Nickerson, Norton, O'Gara, Oliver, Paradis, P.; Pendexter, Pendleton, Pfeiffer, Plowman, Poulin, Rand, Reed, G.; Richardson, Robichaud, Rotondi, Rowe, Saint Onge, Saxl, Simonds, Skoglund, Small, Spear, Stevens, K.; Sullivan, Swazey, Taylor, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, True, Walker, Wentworth, Whitcomb, Winn, Zirnkilton.

ABSENT - Barth, Cloutier, Libby Jack, Ott, Pineau, Ruhlin, Rydell, Thompson.
Yes, 47; No, 96; Absent, 8; Paired, 0;
Excused, 0.

47 having voted in the affirmative and 96 in the negative with 8 being absent, House Amendment "E"

(H-105) was not adopted.

Representative Coffman of Old Town offered House Amendment "A" (H-101) and moved its adoption.

House Amendment "A" (H-101) was read by the Clerk.
The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Coffman.

Representative COFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: This amendment would require a physician to develop written information materials to be provided to a pregnant woman prior to an abortion. The materials must comply with statutory requirements and must be approved by the Department of Human Services.

I heard in the debate earlier that someone didn't feel that the government should be involved in putting information together on this issue. I understand that in Ohio the government was involved by way of the Governor's Office. He worked with both sides of the issue to put together a brochure and present all the relevant facts such as fetal development, a list of options with telephone numbers and addresses so I don't think this is too much to ask.

Again, as you heard earlier, this is informed choice and informed choice implies information and that's what is at issue here with this amendment. I can't believe that anybody would object to having a woman fully informed on an issue that is going to affect her for the rest of her life. If any of you attended the hearing at the Augusta Civic Center that went from around noon to nine-thirty at night, you will recall (and I stayed for the entire length of that) a lot of women coming to that gathering and speaking, some of them for the first time on this issue, of how their decision to have an abortion is still very much with them. Some of them even spoke of 10 or 20 years after.

In my personal experience, I have talked to quite a few women through the years who have had abortions and who are living with their decisions even now. I feel uncomfortable being a man here talking about this but I am just relating to those who weren't present to hear those women get up and speak that that's their experience.

In order to minimize the suffering, the pain, the anguish to that woman, I think she should base her decision on as much information as she can possibly get.

If anybody is worried about a fiscal note on this, the amendment states that the physicians will put this together and DHS will review it. There is hardly any fiscal note to this at all, which I don't think should be an issue anyway on something of this importance.

I just plead with you to consider this issue, to consider the fact that we are charged with a responsible position here, one that should guarantee a woman as much information to base her decision on, a decision that will affect her for the rest of her life.

The SPEAKER: The Chair recognizes the Representative from Blue Hill, Representative Walker.

Representative WALKER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address something that Representative Coffman said. I agree that women should make decisions with as much information as they can get. I would also like to say, not with the information that Representative Coffman deems appropriate. Women must be able to make choices about their lives by themselves with

their families but choices with whom they choose to make those choice and with what materials they choose to make them on.

The SPEAKER: The Chair recognizes the Representative from China, Representative Chase.

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

To Representative Coffman, I agree that a woman should make a decision based on all information available to her but I don't understand how the provision in your amendment that refers specifically to subsection 2, informed consent, will provide the woman that information. Subsection 2 specifies that a physician will use, according to the physician's best judgment, the amount of time that a woman has been pregnant, the number of weeks that are elapsed, particularly risks associated with her own pregnancy and at her request, alternatives. How will a physician put this into some form that will address all women? How can a physician providing this basic information which is, how pregnant are you, give a woman information that she needs to make a choice. I assume that a woman will need lots more information and that this particular information is not in any way able to be standardized. How could a physician possibly standardize risks that are associated with a woman's own pregnancy?

I am sorry to have had such a long question. It is not a loaded question, I really seriously would like to know the answer.

The SPEAKER: The Representative from China, Representative Chase, has posed a question through the Chair to the Representative from Old Town, Representative Coffman, who may respond if he so desires.

The Chair recognizes that Representative.

Representative COFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: I believe the question is how can a physician standardize information, is that correct?

The SPEAKER: The Chair recognizes the Representative from China, Representative Chase, who may respond to the question.

Representative CHASE: Mr. Speaker, Ladies and Gentlemen of the House: I apologize. In order that it can be approved by the Department of Human Services.

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

Representative COFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: I can't believe that physicians, educated people, people in the Department of Human Services or the people who are involved in this issue that feel so strongly about this issue and the importance of this issue, can't all come together, as was done in Ohio, and come up with some information that is agreeable to everybody. I can't believe that that can't happen.

You are asking me specifically what exact information can be put together and given. That's up to all these people and that would take time, I believe, to put that together. We've got quite a brain trust there, I think they could come up with the valid information that everybody could agree would be the best and most informative and up-to-date information to present to the woman who is considering an abortion.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Farnsworth.

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: I would like to point out that House Amendment "A", in addition to the discussion that has been taking place regarding state approval of a physician's brochure, also strikes out Section 3 of L.D. 318. The effect of that is to reinstitute the 48 hour waiting period. So, what this bill would do is, first, it changes current practices to reinstitute the 48 hour waiting period. The second is that right now before we pass 318 we have no instructions from the state to a doctor about how to inform a woman about her own pregnancy other than general information that is to be given in accordance with good medical practice. But, this would say that a physician must have a brochure approved by DHS.

For all the reasons I said earlier, I think that kind of state role, while well-intentioned, could definitely leave us in a position where we have a state taking positions we don't like some day. I would, therefore, respectfully request that people vote against the adoption of House Amendment "A" and Mr. Speaker, I would request a roll call.

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

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

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

Representative COFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address the issue of (and it keeps cropping up here) the government involvement of abortions. I have here from the State Library quite a thick folder, it looks like the government of the State of Maine has been involved in the abortion issue since 1821 in some way or another and going all the way to the present. I can't believe that that argument keeps coming up that the government should not be involved in the abortion issue. If we are stretching that question so far that a pamphlet with some information can't be put together by our government who we are entrusting our very lives with continuously, I just beg to differ that that seems to be stretching way, way out there.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, Men and Women of the House: I would just like to reiterate something that I said earlier and that is, if a person is going to have choice, let them have choice with informed decisions.

I know there is another member of this body that said, you know, let the women go with the information they have, family information and so forth — we all know that there are minors and actually some of them are still children themselves and let's just make sure that all the information is there for them. That's all we are looking for here.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Farnsworth.

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: I would just like to clarify that this bill would not change the requirement that is in the law today and would be continued by L.D. 318, that minors are given alternatives to abortion,

it is a requirement with respect to minors. We are talking here about adult women.

The SPEAKER: A roll call has been ordered. The pending question before the House is adoption of House Amendment "A" (H-101). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 27

YEA - Ahearne, Aliberti, Anderson, Bailey, H.; Bailey, R.; Beam, Campbell, Carr, Clark, Clukey, Coffman, Dexter, Driscoll, Dutremble, L.; Erwin, Farnum, Farren, Hichborn, Hussey, Jacques, Jalbert, Joy, Kneeland, Kutasi, Look, Lord, MacBride, Marsh, Marshall, Martin, H.; Melendy, Michaud, Murphy, Pinette, Plowman, Pouliot, Quint, Reed, W.; Ricker, Robichaud, Saint Onge, Simoneau, Stevens, A.; Strout, Tardy, Vigue, Young.

NAY - Adams, Aikman, Ault, Barth, Bennett, Bowers, Brennan, Bruno, Cameron, Carleton, Caron, Cashman, Cathcart, Chase, Clement, Coles, Constantine, Cote, Cross, Daggett, DiPietro, Donnelly, Dore, Faircloth, Farnsworth, Fitzpatrick, Foss, Gamache, Gean, Gould, R. A.; Gray, Greenlaw, Gwadosky, Hale, Hatch, Heeschen, Heino, Hillock, Hogle, Holt, Johnson, Joseph, Kerr, Ketterer, Kilkelly, Kontos, Larrivee, Lemke, Lemont, Libby James, Lindahl, Lipman, Michael, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Nash, Nickerson, Norton, O'Gara, Oliver, Ott, Paradis, P.; Pendexter, Pendleton, Pfeiffer, Pineau, Plourde, Poulin, Rand, Reed, G.; Richardson, Rotondi, Rowe, Saxl, Simonds, Skoglund, Small, Spear, Stevens, K.; Sullivan, Swazey, Taylor, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, True, Tufts, Walker, Wentworth, Whitcomb, Winn, Zirnkilton.

ABSENT - Carroll, Chonko, Cloutier, Libby Jack, Ruhlin, Rydell, Thompson, The Speaker.

Yes, 47; No, 96; Absent, 8; Paired, 0; Excused, 0.

47 having voted in the affirmative and 96 in the negative with 8 being absent, House Amendment "A" (H-101) was not adopted.

Representative Pouliot of Lewiston offered House Amendment "G" (H-107) and moved its adoption.

House Amendment "G" (H-107) was read by the Clerk.

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

Representative POULIOT: Mr. Speaker, Ladies and Gentlemen of the House: When the vote is taken, I would ask for a roll call.

All this amendment does is it prohibits abortions for the purpose of gender selection.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Farnsworth.

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: I do not favor gender selection or abortions for gender selection, I don't know anybody who does. Neither did we hear a single person indicate any evidence that that kind of practice is going on.

I would remind you that current law has no prohibition against gender selection and yet we have had no evidence that that is happening, that that's a problem we have in this state. Roe v. Wade, any of the bills as they were originally put in, none of them attempted to do what this amendment is doing. I would submit to you, because as a matter of fact, that is one of the kinds of issues that is raised as

something that people are afraid of and I don't disagree that it is not a desirable public policy. But, it has not been a problem and there is no indication that it is. What I suggest to you is that, even if we were all to agree on this public policy, just exactly how are we going to enforce it?

It presents, as a matter of fact, some of the issues that we have been talking about all day in a very real way about just what role government should have here. I submit that until we have an indication that this is a concern or a problem, and we have worked out appropriate enforcement provisions, that there is no need for this. What it does is inject the state into family matters which is the very thing that we have been trying to prevent all day long. Again, I don't advocate gender selection abortions and I don't know anybody who does and I certainly don't believe that voting against this amendment means that we favor this kind of abortion.

I urge you to vote against it.

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

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

The SPEAKER: The pending question before the House is adoption of House Amendment "G" (H-107). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 28

YEA - Ahearne, Aliberti, Anderson, Bailey, H.; Beam, Bruno, Cameron, Campbell, Carr, Clark, Clukey, Coffman, Cross, Dexter, Driscoll, Dutremble, L.; Erwin, Farnum, Farren, Hichborn, Hussey, Jacques, Jalbert, Joy, Kneeland, Kutasi, Lemke, Libby James, Look, Lord, MacBride, Marsh, Marshall, Martin, H.; Michaud, Mitchell, J.; Murphy, Pineau, Pinette, Poulin, Pouliot, Quint, Reed, W.; Ricker, Robichaud, Saint Onge, Simoneau, Stevens, A.; Sullivan, Tardy, Tufts, Vigue, Young, The Speaker.

NAY - Adams, Aikman, Ault, Barth, Bennett, Bowers, Brennan, Carleton, Caron, Carroll, Cashman, Cathcart, Chase, Clement, Coles, Constantine, Cote, Daggett, DiPietro, Donnelly, Dore, Faircloth, Farnsworth, Fitzpatrick, Foss, Gamache, Gean, Gould, R. A.; Gray, Greenlaw, Gwadosky, Hale, Hatch, Heeschen, Heino, Hillock, Hogle, Holt, Johnson, Joseph, Kerr, Ketterer, Kilkelly, Kontos, Larrivee, Lemont, Lindahl, Lipman, Melendy, Michael, Mitchell, E.; Morrison, Nadeau, Nash, Nickerson, Norton, O'Gara, Oliver, Ott, Paradis, P.; Pendexter, Pendleton, Pfeiffer, Plourde, Plowman, Rand, Reed, G.; Richardson, Rotondi, Rowe, Saxl, Simonds, Skoglund, Small, Spear, Stevens, K.; Strout, Swazey, Taylor, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, True, Walker, Wentworth, Whitcomb, Winn, Zirnkilton.

ABSENT - Bailey, R.; Chonko, Cloutier, Libby Jack, Ruhlin, Rydell, Thompson.

Yes, 54; No, 90; Absent, 7; Paired, 0; Excused, 0.

54 having voted in the affirmative and 90 in the negative with 7 being absent, House Amendment "G" (H-107) was not adopted.

Representative Zirnkilton of Mount Desert offered House Amendment "J" (H-113) and moved its adoption.

House Amendment "J" (H-113) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Mount Desert, Representative Zirnkilton.

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: Many views have been expressed here today, good people expressing honest feelings about an issue which draws diverse opinions from those that studied this issue at length. Ultimately, the question comes down to whether or not you believe a woman should have the right to make here own decision. It is unfortunate that we find ourselves in a posture where this matter is, once again, in the political arena. I believe it would be far better to have a united national policy instead of divisive policy which differs from state to state. We don't have that option though.

I supported L.D. 318 a little while ago and made individual decisions on the amendments as they were present because I believe reasonable people can make reasonable, responsible decisions. I also believe that a woman should have the right to make up her own mind. After all, while each of us has our own opinion, we cannot and should not force that opinion onto others.

I also believe the right to choose means an individual decision based on knowledge of the alternatives. This amendment, which has no fiscal impact, zero, proposes to provide a pregnant woman with a simple sheet of paper, not a brochure which attempts to direct people in different ways, as Representative Farnsworth mentioned before, instead a simple sheet of paper with a few phone numbers on it, phone numbers within the Department of Human Services which would give a woman another right to choose. It would give her the right to choose additional information if she wants to, information which would help her make her decision before she has made up her mind, not information which would be offered to her while she is sitting with a doctor awaiting an abortion procedure.

I refer you to the bill, Subsection 1599, informed consent to abortion, the bill as it read says, "to ensure that the consent of an abortion is truly informed consent, the attending physician shall inform the woman in a manner that in the physician's professional judgment is not misleading and it would be understood by the patient that at least the following...." Several things are listed: D says "at the woman's request, alternatives to abortion such as childbirth and adoption and information concerning public and private agencies" and so on and so forth — I would say to you that that's all well and good but if you want to make sure that a woman has alternatives or at least has access to the alternatives, if she chooses to seek them, the time to make that information available to her is not when she is sitting there with the doctor awaiting an abortion procedure. The time to make that information available to her and her choice to pursue it further if she wants to is when she finds out that she is pregnant. She is then going to go through that very, very personal thought process and reach the decision, her right to reach her own decision, which is best for her.

This amendment proposes to force information on no one, it simply provides a woman with the right to seek that additional information if she wants to.

You have all been lobbied, I have been lobbied, I've gotten I don't know how many telephone calls saying, "please vote in favor of 318 with no amendments." Well, that's the way lobby has been moving it. You know and I know that L.D. 318 is no more perfect or imperfect than any other piece of legislation which moves through this body. I know that we could make it better if we wanted to. I know that it is our choice and I think we are responsible enough to decide in our own minds what is a reasonable amendment and what is not a reasonable amendment.

The time to help a woman make the informed choice is before she has made up her mind. This amendment will do that without offending anyone. It is a responsible amendment to ensure freedom to make an educated, responsible choice if, and only if, the woman chooses to seek additional information. It gives her the right to make another choice, just like the choice we are giving her today.

I hope you will feel as I feel that it is not an attempt to cloud the issue or weaken 318, it is simply an attempt to make sure that any woman who wants to have additional, unbiased information can obtain it if she chooses to.

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

Representative CATHCART: Mr. Speaker, Men and Women of the House: I urge you to vote against this amendment. Of course we all want women who are pregnant or may be pregnant to have all the information they need to make an informed decision. I believe the physicians are giving women that information now.

I really wonder if having someone at the Department of Human Services make up a list of phone numbers that women can call is going to be that beneficial and I wonder if anybody has yet presented any evidence that the doctors in this state are not already giving this kind of information out.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, Men and Women of the House: I think if we look down through the list of all the amendments that have been proposed today, this is perhaps the best amendment that you have before you.

I, too, feel very strongly that the timing for the information that is being put forth in this particular amendment is excellent because the doctor is not reaching out to someone that he can make more money on by performing the abortion and he is also not trying to direct someone in a direction other than — so what I am saying is that the information is up-front. But, more than that, what this amendment is doing is actually making this choice bill probably closest to real choice than has ever come before this body. That's because you are tying everything together in terms of the people who really want to make a decision but don't have all the information before them.

Not too long ago, I met a woman who was 26 years old and she was having a really tough time because her physician had told her that perhaps she would never have another child. She just didn't know what to do, didn't know which way to turn but she was able to get some information, not through her physician, but was able to get her information in time to learn about what was available to her to get her over the hump, so to speak. Now she has a child who is two and a half years old and she is off AFDC and the

child is a very happy, very loved child. Let's give a real choice, let's put this amendment forth.

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

Representative RICHARDSON: Mr. Speaker, Men and Women of the House: I would like to put on the Record, at least in response to the Representative from Mount Desert one basic point regarding amending this bill. The discipline in preparing this bill and the thought that went into this bill related to one fundamental premise and that was to take the principles embodied in the Constitution of the United States as articulated in Roe v. Wade and bring that to state law. There are many pieces that I could have, "from my own point of view", changed, improved, that would have modified or dealt with — aspects of this issue. I felt that it was my responsibility, given the overall disposition and the discipline that went into the wide range of political perspectives that were brought forward in agreeing to move forward with this bill, that the discipline ought to be to focus on what the principles were in Roe v. Wade. So, any proposal that came along may make, and I certainly have them too, other changes that I would be willing or be interested to make, had to be set aside. I think the business of social engineering in presenting pieces of paper and the quiet agendas that may lay that complicates the matter. But, I really would not like to focus on that dynamics because I truly believe in fact that as women make those choices, they will have adequate information available but the discipline of the overall bill meant that what was in the Constitution, as articulated by the Supreme Court of the 1973 decision, and that was the sense as we move forward to this, not to allow other agendas to disrupt that discipline, that appropriate public (Constitutional if you will) into statutory law, public policy.

The SPEAKER: The Chair recognizes the Representative from Mount Desert, Representative Zirkilton.

Representative ZIRKILTON: Mr. Speaker, Men and Women of the House: I respect the Representative's motivation and concern about maintaining the integrity of this piece of legislation and what it is it intends to accomplish.

I would say to you that, as I mentioned earlier, I don't believe that any piece of legislation is perfect. I don't believe that we should be faulted for trying to take something that we believe represents the majority opinion and try to make it better. I don't find fault with that. I don't find fault if we can with trying to make it easy for someone who chooses to, to have access to additional information in a manner that is not offensive, unbiased, attends to forward no agenda — that certainly is not my intention here today.

My intention is simply to reinforce the position that I have always advocated and that is that I respect anyone's right to make a decision based on their choice. I certainly would like to see that choice be one that is based on education but that is their choice. This maintains the integrity of that choice. It makes it more clear in fact.

The choice of whether or not to pursue additional information if you don't feel you have enough or the opportunity to say, no thank you, I have all the information I need, I have made my decision which is my right.

I hope the majority of you will agree with that assessment because it is certainly not my intent to force my will or anyone else's will upon anyone else's decision making process. I think the majority of members today agreed with that thought when they went ahead and overwhelmingly supported the advancement of 318. I don't think that this compromises the integrity of that piece of legislation in any way.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Farnsworth.

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: I totally agree that it would be very desirable for women to have as much information as possible at the time the pregnancy test is performed. Personally, I think that is even (in a way) much too late, that the time should be when they are learning about how to avoid a pregnancy in the first place.

My concern is not with the concept of providing information here. My concern is that we have the state involved in describing how this will be set up in providing the numbers and providing the basic sheet of information. It reminds me of 20 years ago when I first started hearing about abortion as an issue and I heard over and over again 20 years ago, concerns from people in the southern part of the country, for example, that abortions, that when even in advocating for the right to choose, one had to be very careful not to allow a situation in the law where government could, for example, require an abortion as a condition of welfare. That was the kind of thing that especially people of color in the south were very worried about and I think with some reason.

I think honestly that when we have DHS responsible for telling people what their options are and how to describe it and what their phone numbers are and where to go, we all know how you can manipulate brochures and how you can rearrange information to emphasize one or another. I think that, with all due respect to the intentions of the people that support this, this is another inroad where we do not want government to have an expanded role and I respectfully urge you to reject this amendment.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "J" (H-113). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

51 having voted in the affirmative and 70 in the negative, House Amendment "J" (H-113) was not adopted.

Representative Pouliot of Lewiston offered House Amendment "H" (H-109) and moved its adoption.

House Amendment "H" (H-109) was read by the Clerk.

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

Representative POULIOT: Mr. Speaker, Men and Women of the House: When the vote is taken, I request a roll call.

All this Amendment "H" does is that it requires parental notice prior to an abortion on a minor.

I would deeply appreciate your support.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Farnsworth.

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: Again, this is the kind of amendment where, who wouldn't want parents to know.

I would like parents to know but the fact is that (in some cases) minors simply will go to great lengths including illegal abortions out of state and other places to avoid telling their parents. That is the kind of problem that we were dealing with when we adopted the Adult Involvement Law a few years ago.

The Attorney General's Office issued an opinion in 1990 saying that the Adult Involvement Law implied the repeal of parental notification provisions for that very reason. You can't have both the Adult Involvement Law that we have now and Parental Notification because one is mandatory covers every situation no matter what and the other one has various provisions in it depending on the circumstances.

We believe the Adult Involvement Law makes sense, is working, and should be continued. So, I just want people to understand very clearly that this ought to be rejected if you support continuing the Adult Involvement Law which is what L.D. 318 does.

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

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

The SPEAKER: The pending question before the House is adoption of House Amendment "H" (H-109). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 29

YEA - Ahearne, Aliberti, Anderson, Bailey, H.; Bruno, Carr, Chonko, Clark, Clukey, Coffman, Cross, DiPietro, Driscoll, Dutremble, L.; Farnum, Farren, Gould, R. A.; Hichborn, Hussey, Jacques, Joy, Kneeland, Kutasi, Libby James, Look, Lord, MacBride, Marshall, Martin, H.; Michael, Michaud, Murphy, Nickerson, Pinette, Plourde, Plowman, Pouliot, Quint, Reed, W.; Ricker, Robichaud, Simoneau, Stevens, A.; Strout, Tardy, Tufts, Vigue, Young.

NAY - Adams, Aikman, Ault, Barth, Beam, Bennett, Bowers, Brennan, Cameron, Campbell, Carleton, Caron, Carroll, Cashman, Cathcart, Chase, Clement, Coles, Constantine, Cote, Daggett, Dore, Erwin, Faircloth, Farnsworth, Fitzpatrick, Foss, Gamache, Gean, Gray, Greenlaw, Gwadosky, Hale, Hatch, Heesch, Heino, Hillock, Hoglund, Holt, Johnson, Joseph, Kerr, Ketterer, Kilkelly, Kontos, Larrivee, Lemke, Lemont, Lindahl, Lipman, Marsh, Melendy, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Nash, Norton, O'Gara, Oliver, Ott, Paradis, P.; Pendexter, Pendleton, Pfeiffer, Pineau, Poulin, Rand, Reed, G.; Richardson, Rotondi, Rowe, Saint Onge, Saxl, Simonds, Skoglund, Small, Spear, Stevens, K.; Sullivan, Swazey, Taylor, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, True, Walker, Wentworth, Whitcomb, Winn, Zirkilton.

ABSENT - Bailey, R.; Cloutier, Dexter, Donnelly, Jalbert, Libby Jack, Ruhlin, Rydell, Thompson, The Speaker.

Yes, 48; No, 93; Absent, 10; Paired, 0; Excused, 0.

48 having voted in the affirmative and 93 in the negative with 10 being absent, House Amendment "H" (H-109) was not adopted.

Representative Murphy of Berwick offered House Amendment "D" (H-104) and moved its adoption.

House Amendment "D" (H-104) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative MURPHY: Mr. Speaker, Men and Women of the House: This amendment requires an abortion to be performed in a manner that is best calculated to preserve the life of a fetus in case that fetus happened to be alive when it is aborted. This does happen in many cases, especially abortions after viability. It requires that a second physician be present to provide all appropriate care to the fetus after birth. It does not require the abortionist, the doctor who is performing the abortion, to care for the fetus but it does provide to have a second doctor waiting as an assistant to take care of that fetus so that there will be no danger of snuffing out a life of a human being.

I wish you would adopt this amendment. I ask for a roll call when the vote is taken.

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

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

The SPEAKER: The pending question before the House is adoption of House Amendment "D" (H-104). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 30

YEA - Ahearne, Aliberti, Anderson, Bailey, H.; Beam, Campbell, Carr, Clark, Clukey, Coffman, Driscoll, Dutremble, L.; Farren, Hichborn, Hussey, Jacques, Joy, Kneeland, Kutasi, Look, Lord, Marsh, Marshall, Martin, H.; Melendy, Michaud, Murphy, Nickerson, Pinette, Pouliot, Quint, Reed, W.; Ricker, Saint Onge, Simoneau, Stevens, A.; Strout, Tardy, Tufts, Vigue, Young.

NAY - Adams, Aikman, Ault, Barth, Bennett, Bowers, Brennan, Bruno, Cameron, Carleton, Caron, Carroll, Cashman, Cathcart, Chase, Clement, Coles, Constantine, Cote, Cross, Daggett, DiPietro, Donnelly, Dore, Erwin, Faircloth, Farnsworth, Farnum, Fitzpatrick, Foss, Gamache, Gean, Greenlaw, Gwadosky, Hale, Hatch, Heesch, Heino, Hillock, Hoglund, Holt, Johnson, Joseph, Kerr, Ketterer, Kilkelly, Kontos, Larrivee, Lemke, Lemont, Libby James, Lindahl, Lipman, MacBride, Michael, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Nash, Norton, O'Gara, Oliver, Ott, Paradis, P.; Pendexter, Pendleton, Pfeiffer, Pineau, Plourde, Plowman, Poulin, Rand, Reed, G.; Richardson, Robichaud, Rotondi, Rowe, Saxl, Simonds, Skoglund, Small, Spear, Stevens, K.; Sullivan, Swazey, Taylor, Townsend, E.; Townsend, L.; Tracy, Treat, True, Walker, Wentworth, Whitcomb, Winn, Zirkilton.

ABSENT - Bailey, R.; Chonko, Cloutier, Dexter, Gould, R. A.; Gray, Jalbert, Libby Jack, Ruhlin, Rydell, Thompson, Townsend, G.; The Speaker.

Yes, 41; No, 97; Absent, 13; Paired, 0; Excused, 0.

41 having voted in the affirmative and 97 in the negative with 13 being absent, House Amendment "D"

(H-104) was not adopted.

Representative Coffman of Old Town offered House Amendment "B" (H-102) and moved its adoption.

House Amendment "B" (H-102) was read by the Clerk.

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

Representative COFFMAN: Mr. Speaker, Men and Women of the House: I would request a roll call.

This amendment comes down to a major concern of people with what we are doing with the abortion issue and that is creating an atmosphere with our laws and rules, opening this up so that an abortion will be used as a method of birth control.

I haven't been able to find a single person out in my district, and I will just speak for my district, that favors abortion being used for birth control. I think the danger here of what we are doing, and many of us have voiced that concern about L.D. 318, is to open this up so far and so wide that, again, in all 9 months of pregnancy, you can come up with a reason, some reason, to say that you should have the right to have an abortion, for any reason that you can come up with. That is what many of us view as L.D. 318.

We would like to make a statement with this amendment and I would like to ask you to make a statement with this amendment that we are not going so far that we are going to say that now, today, today in the State of Maine, we are going to support a bill that would allow abortions to be used for birth control.

I ask for your support in this amendment to make that statement to the people that we represent.

I think this has gone too far. I think there are a lot of questions with 318, legal questions that we have had attorneys look at that have reinforced that.

Why is it that some attorneys feel that 318 would allow abortions in all nine months and for practically any reason?

If you feel that 318 is not sending a message out or should not send a message out that abortion should be used just for birth control, then I ask you to support this amendment.

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

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

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Simoneau.

Representative SIMONEAU: Mr. Speaker, Men and Women of the House: In Representative Coffman's amendment he said abortion only — if I read this and we have read it here, he is talking about following viability as a means of birth control. Falling viability — now we have been hearing here all day that all we are doing is codifying Roe v. Wade. Now, what is viability in our little document of Roe v. Wade? We are not talking about a mass of cells now, we are talking about a formed fetus that can live outside of the womb. That is what we are talking about. What did our good Justice Blackman say about this? Roe v. Wade again, "With respect to the states important and legitimate interest in the health of the mother, the compelling point in the light of

present medical knowledge is that approximately at the end of the first trimester this is so, because of a now established medical fact, that until the end of the first trimester mortality (means death with the mother) in abortion is less than mortality in normal childbirth." Skipping ahead, "With respect to the states important and legitimate interest in potential life," potential life — that is the thing inside the mother, "the compelling point is viability. This is so because the fetus then presumably has the capability of meaningful life outside the mother's womb. State regulation, protective of fetal life after viability thus has both logical and biological justifications." Again, this is Blackman talking, "If the state is interested in protecting fetal life after viability, it may go so far as to proscribe abortion during that period except when it is necessary to preserve the life or health of the mother." We have got the life and health of the mother taken care of in 318.

I think all that Representative Coffman is looking for here is someone coming back for repeated abortions if you read the bill and looking for protecting a baby that has the ability to live outside of that womb, to not allow an abortion for such conditions as birth control or limiting family size. Please think about this.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Farnsworth.

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: I simply feel the need to put on the Record the fact that this bill, because it only relates to abortions after viability, is addressing a portion of the abortions in this state that is really almost negligible. It is less than .2 percent and because of the restriction currently on the law that this is only for life or health of the mother, it is very clear that doctors are only limiting these kinds of abortions to situations where there is a severe threat to the woman's life or severe abnormality or a severe health problem. I think that this amendment is therefore inappropriate.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Simoneau.

Representative SIMONEAU: Mr. Speaker, Men and Women of the House: If this is so negligible, then you should have no objection to it becoming law. If we are talking about nothing, then what is the objection? Let's make it law and take care of a few babies that could live.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Farnsworth.

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: My objection is because the evidence is that abortions after viability are not performed for frivolous reasons at all, they are for very serious reasons. In fact, they are either often because the woman has cancer or maybe there has been a car accident and her life is in jeopardy. To be going in at that point and asking for written certification under oath that she hasn't had an abortion previously or that this isn't for birth control, I think is not helpful to the law and not necessary.

The SPEAKER: A roll call has been ordered. The pending question before the House is adoption of House Amendment "B" (H-102). Those in favor will

vote yes; those opposed will vote no.

ROLL CALL NO. 31

YEA - Ahearne, Aliberti, Anderson, Bailey, H.; Beam, Campbell, Carr, Clark, Clukey, Coffman, Dexter, Driscoll, Dutremble, L.; Farren, Hichborn, Hillock, Hussey, Joy, Kneeland, Kutasi, Lemke, Libby James, Look, Lord, MacBride, Marsh, Marshall, Martin, H.; Michaud, Murphy, Pinette, Plowman, Poulin, Pouliot, Quint, Reed, W.; Ricker, Robichaud, Saint Onge, Simoneau, Stevens, A.; Strout, Tardy, Tufts, Vigue, Young, The Speaker.

NAY - Adams, Aikman, Ault, Barth, Bennett, Bowers, Brennan, Bruno, Cameron, Carleton, Caron, Carroll, Cashman, Cathcart, Chase, Clement, Coles, Constantine, Cote, Cross, Daggett, DiPietro, Donnelly, Dore, Erwin, Faircloth, Farnsworth, Farnum, Fitzpatrick, Foss, Gamache, Gean, Gray, Greenlaw, Gwadosky, Hale, Hatch, Heeschen, Heino, Hoglund, Holt, Jacques, Johnson, Joseph, Kerr, Ketterer, Kilkelly, Kontos, Larrivee, Lemont, Lindahl, Lipman, Michael, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Nash, Nickerson, Norton, O'Gara, Oliver, Ott, Paradis, P.; Pendexter, Pendleton, Pfeiffer, Pineau, Plourde, Rand, Reed, G.; Richardson, Rotondi, Rowe, Saxl, Simonds, Skoglund, Small, Spear, Stevens, K.; Sullivan, Swazey, Taylor, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, True, Walker, Wentworth, Whitcomb, Winn, Zirnkilton.

ABSENT - Bailey, R.; Chonko, Cloutier, Gould, R. A.; Jalbert, Libby Jack, Melendy, Ruhlin, Rydell, Thompson.

Yes, 47; No, 94; Absent, 10; Paired, 0; Excused, 0.

47 having voted in the affirmative and 94 in the negative with 10 being absent, House Amendment "B" (H-102) was not adopted.

Representative Gwadosky of Fairfield, having voted on the prevailing side, moved that the House reconsider its action whereby House Amendment "F" (H-107) failed of adoption.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: This House Amendment "F", once again, requires a statewide referendum vote on the question as listed.

For the Record, I didn't support House Amendment "F" nor do I plan to support it again. However, as a courtesy to Representative Pouliot who asked if I would be willing to reconsider to have the opportunity to debate this some more, I am happy to reconsider it on his behalf. If, indeed, it is the wisdom of this House to reconsider and we are in a position to vote again for this, I would be voting against the motion to send it out to referendum but, as a courtesy to Representative Pouliot, I am happy to oblige at this time.

Representative Tracy of Rome requested a roll call vote.

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

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

ordered.

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

Representative POULIOT: Mr. Speaker, someone is having an amendment prepared, could I have this tabled until later in today's session?

The SPEAKER: The Chair would advise the Representative that the pending motion is to reconsider.

A roll call has been ordered. The pending question before the House is the motion of Representative Gwadosky of Fairfield that the House reconsider its action whereby House Amendment "F" (H-107) failed of adoption. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 32

YEA - Ahearne, Aliberti, Anderson, Bailey, H.; Beam, Bennett, Bruno, Cameron, Campbell, Carr, Clark, Clukey, Coffman, Coles, Cote, Dexter, DiPietro, Donnelly, Driscoll, Dutremble, L.; Erwin, Farnum, Farren, Gwadosky, Hale, Heino, Hichborn, Hussey, Jacques, Joseph, Joy, Kerr, Ketterer, Kneeland, Kontos, Kutasi, Larrivee, Lemke, Lemont, Libby James, Look, Lord, MacBride, Marshall, Martin, H.; Michael, Michaud, Murphy, Nadeau, Nash, Norton, Oliver, Paradis, P.; Pendleton, Pineau, Pinette, Plourde, Plowman, Pouliot, Quint, Reed, W.; Ricker, Robichaud, Saint Onge, Simonds, Simoneau, Skoglund, Spear, Stevens, A.; Strout, Swazey, Tardy, Townsend, G.; Tufts, Vigue, Wentworth, Young, Zirnkilton, The Speaker.

NAY - Adams, Aikman, Ault, Barth, Bowers, Brennan, Carleton, Caron, Carroll, Cashman, Cathcart, Chase, Clement, Constantine, Cross, Daggett, Dore, Faircloth, Farnsworth, Fitzpatrick, Foss, Gamache, Gean, Gray, Greenlaw, Hatch, Heeschen, Hillock, Hoglund, Holt, Johnson, Kilkelly, Lindahl, Lipman, Marsh, Mitchell, E.; Mitchell, J.; Morrison, Nickerson, O'Gara, Ott, Pendexter, Pfeiffer, Poulin, Rand, Reed, G.; Richardson, Rotondi, Rowe, Small, Stevens, K.; Sullivan, Taylor, Townsend, E.; Townsend, L.; Tracy, Treat, True, Walker, Whitcomb, Winn.

ABSENT - Bailey, R.; Chonko, Cloutier, Gould, R. A.; Jalbert, Libby Jack, Melendy, Ruhlin, Rydell, Saxl, Thompson.

Yes, 79; No, 61; Absent, 11; Paired, 0; Excused, 0.

79 having voted in the affirmative and 61 in the negative with 11 being absent, the motion to reconsider did prevail.

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

Representative POULIOT: Mr. Speaker, I move that this be tabled until later in today's session.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Farnsworth.

Representative FARNSWORTH: Mr. Speaker, I just realized you can't debate a tabling motion, is that correct?

The SPEAKER: The Chair would answer in the affirmative. The Chair would advise that you may speak neither for nor against, you may simply request a division or a roll call on the tabling motion.

Representative Farnsworth of Hallowell requested a roll call vote.

The SPEAKER: A roll call has been requested.

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

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

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, a point of order!

I recollect the Representative from Lewiston requesting someone move that this be tabled, but I don't recollect hearing the motion that it actually be tabled.

The SPEAKER: The Chair would advise the Representative that on the first instance, he did not make the motion, on the second he did.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Pouliot of Lewiston to table until later in today's session. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 33

YEA - Ahearne, Aliberti, Anderson, Bailey, H.; Beam, Bennett, Campbell, Carr, Carroll, Cashman, Clark, Clukey, Coffman, Cote, Dexter, DiPietro, Donnelly, Driscoll, Dutremble, L.; Farnum, Farren, Hichborn, Hussey, Jacques, Joy, Kneeland, Kutasi, Larrivee, Lemke, Lemont, Libby James, Lindahl, Look, Lord, MacBride, Marshall, Martin, H.; Michael, Michaud, Murphy, Nadeau, Norton, Pendleton, Pineau, Plourde, Plowman, Pouliot, Quint, Reed, W.; Ricker, Saint Onge, Simoneau, Stevens, A.; Strout, Sullivan, Swazey, Tardy, Tufts, Vigue, Young, Zirkilton.

NAY - Adams, Aikman, Ault, Barth, Bowers, Brennan, Bruno, Cameron, Carleton, Caron, Cathcart, Chase, Clement, Coles, Constantine, Cross, Daggett, Dore, Erwin, Faircloth, Farnsworth, Fitzpatrick, Foss, Gamache, Gean, Gray, Greenlaw, Gwadosky, Hale, Hatch, Heeschen, Heino, Hillock, Hoglund, Holt, Johnson, Joseph, Kerr, Ketterer, Kilkelly, Kontos, Lipman, Marsh, Mitchell, E.; Mitchell, J.; Morrison, Nash, Nickerson, O'Gara, Oliver, Ott, Paradis, P.; Pendexter, Pfeiffer, Pinette, Poulin, Rand, Reed, G.; Richardson, Robichaud, Rotondi, Rowe, Saxl, Simonds, Skoglund, Small, Spear, Stevens, K.; Taylor, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, True, Walker, Wentworth, Whitcomb, Winn.

ABSENT - Bailey, R.; Chonko, Cloutier, Gould, R. A.; Jalbert, Libby Jack, Melendy, Ruhlin, Rydell, Thompson, The Speaker.

Yes, 61; No, 79; Absent, 11; Paired, 0; Excused, 0.

61 having voted in the affirmative and 79 in the negative with 11 being absent, the motion to table did not prevail.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Men and Women of the House: I have always felt that we were sent here by the people who elected us to make decisions, not to pass the buck back to those people. In fact, in the State of Maine, if the people are dissatisfied with our decisions, they have a right through a citizens' initiative process to have a direct vote themselves. Short of the people themselves, through

this initiative process requesting that vote, it seems to me it is the wrong course of action for a legislature to refuse to make a decision.

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

Representative POULIOT: Mr. Speaker, Ladies and Gentlemen of the House: I think I know just about where this is going but I guess, like they always say in politics, you always give it your last try. The one thing I have always learned is that in the fairness of the Maine Legislature, I have always learned that the Maine Legislature plays fair.

I think what we have been trying here today is to play fair with the public back home. I honestly believe deep down in my heart that this issue will not go away. I honestly feel that it would have been a more direct and thorough way to let the voters know that we are concerned about some of their problems and all their problems but particular this issue because many of them, as I walked out in the hall, told me the same thing. They are not all my constituency, I guarantee you, but telling me it is exactly what we are trying to pass the message on to, this is a moral issue. They want to vote on this moral issue. Whether they have the chance by your vote here today to give them that choice, I honestly believe before you leave here this session, you will see a people's initiative to send this to the voters. I ask and beg you to support the amendment.

Representative Tracy of Rome requested a roll call vote.

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

Representative LIPMAN: Mr. Speaker, Ladies and Gentlemen of the House: I rise to debate or discuss this particular amendment because of the wording of the amendment. Let me read to you the question, "Do you favor the enactment of a law declaring that it is the public policy of the State of Maine not to restrict abortion?" Ladies and gentlemen, that is not 318. This amendment which is being offered to go to referendum is not 318. L.D. 318 has restrictions.

I urge you to vote against this amendment because it doesn't reflect what we voted on in 318.

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

Representative POULIOT: Mr. Speaker, Men and Women of the House: I thank the kind gentleman for what he just said. I can't believe in all goodness and all conscience — I knew there was a mistake and there was an error, I wanted to rectify it, I tried to proceed through the proper channels but I can see there are no channels. I hold no grudges against any one of you, I understand the system and I respect it, but I do respect the voters of this state. This issue will not go away.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Treat.

Representative TREAT: Mr. Speaker, Men and Women of the House: I would encourage you to stick by your vote of earlier today (or probably it was this morning and not currently as it is this afternoon) and to remember that you here already have voted 98 to 45 to enact this piece of legislation.

When I ran for office this year and in fact the previous two years before, I put on my literature how I intended to vote on this issue. I imagine that most people here, if they didn't put it on their campaign literature, were asked very specifically in a campaign debate or in a newspaper poll or a

questionnaire and they in fact said how they were going to vote. We got elected either in spite of how we said we were going to vote or because of it. The people out there know how we were going to vote and we have proceeded to do that. That is the appropriate thing here.

I think it is passing the buck, there was an opportunity some years ago when an attempt was made to put this on the initiative and that attempt failed. It may be that there will be a future attempt but let's leave that for the future. The time is now to vote on this issue, let's clarify where Maine stands on it. For now, I think we should speak on this issue and not just send it out to the voters. I hope you will stick by your vote and vote against adopting House Amendment "F."

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

Representative POULIOT: Mr. Speaker, Men and Women of the House: I do object when people say "passing the buck." This is not passing the buck. This is a moral issue, it is an issue that is between you, your God, and your conscience. If this vote could go to the voters, whether it be pro-life or come up pro-choice, I would support it because the people would have spoken. But, to say that we are trying to pass the buck — I guarantee you I am not trying to pass the buck because I know that a lot of people — there is a coalition that would be afraid to send this vote to the voters. They know and probably sense now what would happen. The polls — yes, there were polls, they have been done. The numbers are out there. You know it and I know it. Let's not hide behind that. I am not passing any buck, this is not a buck, this is a people's issue.

All I am asking you and begging you, think it out. If you send it to the voters, all that you are saying to them is let you, mother and father, men and women, voters, stand and be counted. Once and for all in your life, go to the polls and vote on this issue. Is that wrong to take that away from the people? I don't think so.

Thank you.

(At Ease)

The House was called to order by the Speaker.

The SPEAKER: At the time we went at ease, the pending motion was on adoption of House Amendment "F" (H-107) to L.D. 318.

Subsequently, Representative Pouliot of Lewiston withdrew House Amendment "F" (H-107).

Representative Murphy of Berwick offered House Amendment "K" (H-126) and moved its adoption.

House Amendment "K" (H-126) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: This amendment will send out to referendum L.D. 318 as it is written and the question asked of the people will be, "Do you favor the enactment of "An Act to Protect Reproductive

Privacy in Maine?" It is a straight yes or no, there are no gimmicks, there is nothing.

This is a question that is very important to some of the people in this state. There are many people here this morning and they feel very strongly that they would live to have the right to vote on this. In the debate this morning, it was brought out that maybe the other amendment would not be germane to this title, but this one is germane, it is the same bill we voted on this morning and I would hope you would support this amendment.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Farnsworth.

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: This is a better drafted amendment but I think the fact is that this bill is not the usual sort of bill that we put a referendum question on. I am not sure about the actual precedent on this but I would say that over all we don't ask people to vote on whether they would like to continue the law the way it is and the way it has been for 20 years. That is what we are doing here. It might be appropriate if we were about, as we have been charged with, to make a radical change in Maine law, maybe it would be appropriate. But, in this case, I don't think we are about to make a radical change, not in any way. We are in fact trying to preserve the status quo that we have had for 20 years.

I think really that nobody that I have heard that has called or come to hearings or spoken on this subject to us as individual legislators has come in the door saying, I don't want you to vote on this, I want you to send this out to referendum. What they have said is, I want you to vote one way or the other way. I think that is why we are here and I hope that all of us will feel very comfortable therefore having thought about this and studied it with rejecting this amendment and going with our earlier decision today to adopt L.D. 318 without amendments.

I request a roll call.

The SPEAKER: The Chair recognizes the Representative from West Gardiner, Representative Marsh.

Representative MARSH: Mr. Speaker, Ladies and Gentlemen of the House: Probably I am the last one that people would expect to see get up and debate this issue. I listened to the debate this morning and the two words that I heard the most were "private" and "moral." To me, that is just what this is. This is just what the issue should be.

I don't feel the issue should have ever ended up in the courts. I don't think the issue should have ever ended up in this legislature. I feel that the issue should have been decided in the home, the family, the church and, as a last resort, in some sort of social service agency. I don't feel that in any way this should go out before Maine's electorate for the next six months. The reason I feel this way is because of the strong feelings on both sides. I shudder to think of the tone of the campaign and the advertisements that would be up here in Vacation Land during the summer. I really think that we should get our shoulder to the wheel and do the job we were charged to do and settle this matter right here.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Men and Women of the House: I agree with a lot of what Representative Marsh has said but I have to draw the

line a little bit. I have no problem with this going to referendum and letting the people decide. I strongly feel it ought to be decided once and for all and that is the avenue we ought to be looking at. I disagree a lot with what Representative Farnsworth has stated, this is an item I strongly feel that ought to go to the public, the public is waiting for it. So, when you vote today, I hope we can give it the votes to give it to the public.

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

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: This is the first chance I have ever had to speak on this issue, on this particular side. For many years, I was an advocate, an honest advocate, for the anti-choice forces. This afternoon I speak to you as a proponent of the choice forces and in particular against adoption of House Amendment "K." I do so for a number of reasons.

I can recall a referendum on obscenity that occurred in June of 1986, a referendum that was not very pleasant, that entailed tens of thousands of dollars coming into this state from out-of-state sources trying to influence the vote. I can assure all of you today that if this were to go out to a referendum vote, we would have hundreds of thousands of dollars on both sides coming into the state telling the people of Maine how they should or should not vote on the issue.

If we think that this morning's demonstrations were unbelievable at some point, just think what it is going to be like this Fall if there were a public referendum campaign on the issue.

Another reason that I am against this is that I am a Catholic. I am a minority in this state. We do not ensure minority rights by public plebiscite. I do not know of any occasion where a majority through a popular vote has ensured that a minority has their rights protected. That is why we have a great and general court, that is why we have the Supreme Judicial Court, that is why we have the United States Supreme Court. When we get into public campaigns, people get mailing lists together, organized groups get out there and solicit voters, solicit money, the airwaves are constantly bombarded, very little truth is exchanged by either side, much rhetoric, heated rhetoric, but a real honest to goodness debate by the issue is far and wide.

We very well can decide the issue here in this body and down at the other end of the hall without the fear of hundreds of thousands of dollars being used to influence a campaign.

I don't mind doing my duty even when I have to change my mind after years and years of probing about what this issue is and what it is to me as a single male individual, but I am willing to make that choice here. I am willing to vote as I did this morning with all of you good people. But, to send it out to be demagogued in the Fall of 1993 is no answer. As the good Representative from West Gardiner said just a few moments ago, that is no answer, that is no solution and if any of us think that that issue will be decided once and for all when the people vote on it, we are kidding ourselves and we are doing a disservice to our constituents. That is not going to be decided then, it is going to be inflamed, we are going to have the worst said about the bill and the extremists on both sides will control the airwaves and we will be the pawns of the media.

I urge you to vote against adoption of House

Amendment "K."

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

Representative COFFMAN: Mr. Speaker, Men and Women of the House: I heard mentioned earlier, before we took a break, about this bill and that we should deal with private problems in private. I agree. I think there is no greater privacy than what we have in the voting booth. Therefore, I am supporting this amendment to send this to the privacy of the voting booths and let the voters decide, once and for all.

I think voters like to vote. They like to have something to vote on. I think they like referendum votes that say something and I think this one says something. It puts it in the hands of the people, once and for all. There won't be any question of, did we decide what the majority of the people want in this state? Let them decide, once and for all. Just remember, we do represent all the people, all the people.

I keep sensing a fear here of sending it out to the people. I can't quite understand it and put my hand on what this fear is all about. I will accept whatever the people decide, no matter what. I think that is what we should do. I encourage everybody to support this amendment.

I also heard the issue brought up about money, how much money would be spent in this state on this issue. Well, maybe that is a way of creating jobs here. I understand the newspapers have layoffs. I have talked with a few reporters. I don't think that should even be a concern on an issue like this, one that is dividing our society, pitting one side against another. I think that the single most significant way of making peace with this issue, once and for all, is to send it out to referendum and let the people decide. I don't think it is only a Catholic issue. I think it is an issue that everybody is concerned about.

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

Representative STEVENS: Mr. Speaker, Men and Women of the House: I ran my campaign as a pro-choice candidate. My position on choice was the second most popular question asked of me by voters in District 130 during the Fall, second only to how my position on education funding stood. District voters knew how I stood on this issue, they knew I was pro-choice and they sent me down here to carry that pro-choice message with me. Now that we all sit here today together as a legislature, the responsibility falls upon us to be representatives of the people who sent us here. When voters went to the polls in November, they voted on Constitutional Amendments, bond issues, and they voted for us. In good faith, they recognized our positions on this extremely divisive issue and they sent us here to vote on it for them.

We need not now enter the practice of passing our votes, our voting duty and our obligations to these people onto those who sent us here to do it for them. If that were the case, I can think of many, many issues that people would like to vote on here in Augusta.

If Amendment "K" were to pass, it is true we would witness the most expensive and best political campaign that money could buy. Political action committees would bar no holds, definitely no holds. Our votes and the wishes of our disenfranchised

constituents who sent us here would be reduced to lawn signs and bumper stickers. Let's not use this amendment as a political out to get ourselves off the hook of 318, our constituents deserve better.

I urge you to vote against this amendment.

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

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

The SPEAKER: The pending question before the House is adoption of House Amendment "K" (H-126).

The Chair recognizes the Representative from Gorham, Representative Hillock.

Representative HILLOCK: Mr. Speaker, pursuant to House Rule 7, I would like to pair my vote with Representative H. Bailey of Township 27. If he were present and voting, he would be voting yea; I would be voting nay.

The SPEAKER: The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative Cashman of Old Town. If he were here and voting, he would be voting nay; I would be voting yea.

The SPEAKER: The pending question before the House is adoption of House Amendment "K" (H-126). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 34

YE - Ahearne, Aliberti, Anderson, Bailey, R.; Beam, Bennett, Campbell, Carr, Chonko, Clark, Clukey, Coffman, Cross, Dexter, DiPietro, Driscoll, Dutremble, L.; Farnum, Farren, Gould, R. A.; Hichborn, Hussey, Jacques, Jalbert, Joy, Kneeland, Kutasi, Lemont, Look, Lord, MacBride, Marshall, Martin, H.; Melendy, Michael, Michaud, Murphy, Nash, Nickerson, Pineau, Pinette, Plourde, Plowman, Pouliot, Quint, Reed, W.; Ricker, Robichaud, Rotondi, Ruhlin, Simoneau, Stevens, A.; Tardy, Tufts, Vigue, Whitcomb, Young, The Speaker.

NAY - Adams, Aikman, Ault, Barth, Bowers, Brennan, Bruno, Cameron, Carleton, Caron, Carroll, Cathcart, Chase, Clement, Coles, Constantine, Cote, Daggett, Donnelly, Dore, Erwin, Faircloth, Farnsworth, Fitzpatrick, Foss, Gamache, Gean, Gray, Greenlaw, Gwadosky, Hale, Hatch, Heeschen, Heino, Hoglund, Holt, Johnson, Joseph, Kerr, Ketterer, Kilkelly, Kontos, Larrivee, Lemke, Libby James, Lindahl, Lipman, Marsh, Mitchell, E.; Mitchell, J.; Morrison, Norton, O'Gara, Oliver, Ott, Paradis, P.; Pendexter, Pendleton, Pfeiffer, Poulin, Rand, Reed, G.; Richardson, Rowe, Saint Onge, Saxl, Simonds, Skoglund, Small, Spear, Stevens, K.; Sullivan, Swazey, Taylor, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, True, Walker, Wentworth, Winn, Zirnkilton.

ABSENT - Cloutier, Libby Jack, Nadeau, Rydell, Thompson.

PAIRED - Hillock (Nay)/H. Bailey (Yea); Strout (Yea)/Cashman (Nay).

Yes, 58; No, 84; Absent, 5; Paired, 4; Excused, 0.

58 having voted in the affirmative and 84 in the negative with 5 being absent and 4 paired, House Amendment "K" (H-126) was not adopted.

Representative Coffman of Old Town offered House Amendment "L" (H-128) and moved its adoption.

House Amendment "L" (H-128) was read by the Clerk.

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

Representative COFFMAN: Mr. Speaker, Men and Women of the House: I request a roll call.

Since you can all read, I will let you do just that, I won't speak very long on this. I will just read as it would appear on the ballot and the Statement of Fact: "Do you favor the enactment of a law declaring that the state may not restrict a woman's exercise of her private decision to terminate a pregnancy before viability or after viability when necessary to protect the mother's life or health?" "This amendment adds a referendum clause to the bill requiring a statewide vote in November on whether the bill should become law. This amendment also adds a fiscal note to the bill.

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

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

The SPEAKER: The pending question before the House is adoption of House Amendment "L" (H-128).

The SPEAKER: The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative Cashman of Old Town. If he were present and voting, he would be voting nay; I would be voting yea.

The SPEAKER: The pending question before the House is adoption of House Amendment "L" (H-128). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 35

YE - Ahearne, Aliberti, Anderson, Bailey, R.; Beam, Campbell, Carr, Clark, Clukey, Coffman, Dexter, Driscoll, Dutremble, L.; Farren, Hichborn, Hussey, Jalbert, Joy, Kneeland, Kutasi, Look, Lord, MacBride, Marshall, Martin, H.; Michaud, Murphy, Nickerson, Pinette, Plowman, Pouliot, Reed, W.; Ricker, Robichaud, Ruhlin, Stevens, A.; Tardy, Tufts, Vigue, Young.

NAY - Adams, Aikman, Ault, Barth, Bennett, Bowers, Brennan, Bruno, Cameron, Carleton, Caron, Carroll, Cathcart, Chonko, Clement, Coles, Constantine, Cote, Cross, Daggett, DiPietro, Donnelly, Dore, Erwin, Faircloth, Farnsworth, Farnum, Fitzpatrick, Foss, Gamache, Gean, Gould, R. A.; Gray, Greenlaw, Gwadosky, Hale, Hatch, Heeschen, Heino, Hoglund, Holt, Jacques, Johnson, Joseph, Kerr, Ketterer, Kilkelly, Kontos, Larrivee, Lemke, Lemont, Libby James, Lindahl, Lipman, Marsh, Michael, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Nash, Norton, O'Gara, Oliver, Ott, Paradis, P.; Pendexter, Pendleton, Pfeiffer, Pineau, Plourde, Poulin, Quint, Rand, Reed, G.; Richardson, Rotondi, Rowe, Saint Onge, Saxl, Simonds, Simoneau, Skoglund, Small,

Spear, Stevens, K.; Sullivan, Swazey, Taylor, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, True, Walker, Wentworth, Whitcomb, Winn, Zirkilton.

ABSENT - Bailey, H.; Chase, Cloutier, Hillock, Libby Jack, Melendy, Rydell, Thompson, The Speaker.

PAIRED - Strout (Yea)/Cashman (Nay).

Yes, 40; No, 100; Absent, 9; Paired, 2; Excused, 0.

40 having voted in the affirmative and 100 in the negative with 9 being absent and 2 paired, House Amendment "L" (H-128) was not adopted.

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be engrossed and later today assigned.

ORDERS OF THE DAY

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

The Chair laid before the House the first item of Unfinished Business:

HOUSE DIVIDED REPORT - Majority (11) "Ought Not to Pass" - Minority (2) "Ought to Pass" as amended by Committee Amendment "A" (H-97) - Committee on Judiciary on Bill "An Act to Ensure a Woman's Right to Know" (H.P. 604) (L.D. 819)

TABLED - April 5, 1993 (Till Later Today) by Representative COTE of Auburn.

PENDING - Motion of same Representative to accept the Majority "Ought Not to Pass" Report.

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

Representative PLOWMAN: Mr. Speaker, Men and Women of the House: Once again, I'm on the Minority Report. Before you is the motion to accept the Majority "Ought Not to Pass" Report on An Act to Ensure a Woman's Right to Know."

We have put before you a common sense amendment. There is not a woman in Maine, who before she can legally drive a car on a public road, is not required to know how to drive and neither is there a woman in this state who when applying for job is not required to know the job. There are laws requiring health warning on cigarette packs, nutritional information on food packages — we require a product manufacturer to warn people not to use blow dryers in the shower, to stick their hands underneath the lawnmower when the motor is running and you can't even shift a new car into reverse unless your foot is on the brake — if this body can insist as an extra measure of precaution that people with a lifetime of experience hunting in Maine woods wear orange hats, surely we can apply the same wisdom to alternatives facing pregnant women.

This amendment simply requires that a woman at the time she is notified that she is pregnant be provided with a full list of options. A woman's choices are not simply abortions or child birth. If we are not willing to assume people are smart enough

not to put their hands into an operating food processor, why are we so willing to suppose pregnant women know all the alternatives available to them, particularly when women are pregnant for the first time?

My proposal is to give the woman the peace of mind that whatever decision she makes regarding her pregnancy, she has made the right choice. True peace of mind can only come through an informed decision. The woman struggling to decide what to do about her pregnancy needs to know that there are secure ways for her to act in addition to abortion. Security for a single or married woman who finds herself pregnant might lie in her finances. She might be a student without a job or with a very small income. Maybe she is living at the poverty line. She may not know she is in a position to have prenatal care or a good doctor. Is she aware of the possibilities for adoption and available adoption facilities? She needs to know that there are legitimate, caring adoption agencies who will place her child with loving parents. Women do not need to make desperate, fearful decisions regarding their pregnancy. A decision made out of fear and ignorance is a choice that years later leaves a woman wondering if she made the right decision. What benefit are we offering women by protecting them from information?

Abortions for many women is not an easy decision. It is sometimes a brutal decision. Considering alternatives to abortion does not make that choice any more difficult. Some women at the moment that they find they are pregnant will have no doubt that abortion is the correct alternative. Fine. This amendment gives these women the option to waive any requirements for additional information. The purpose for this amendment is simply to offer the pregnant woman who is very unsure, frightened or feeling somewhat desperate but she has available alternatives. It may just be thought that she can develop more fully as she makes up her mind whether or not to continue her pregnancy. This amendment leaves the choice to continue her pregnancy 100 percent with the woman. There is no waiting period in this amendment, there is no requirement that a woman receive or view graphic information. This amendment simply asks that the pregnant woman be provided with information she can rule out one by one. When a woman has reached her decision, she does so at a time most appropriate for her and it will be an informed decision she can live with, that she can reassure herself that she had all the information necessary to make a decision.

There is not a person in this room in short who would not advise a woman to consider her alternatives. If you agree that a woman should take at least as much care on the outcome of her pregnancy as she does in perhaps buying a car, then I believe you will vote to adopt this amendment.

Representative Tracy of Rome requested a roll call.

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

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

The SPEAKER: The pending question before the

House is the motion of the Representative from Auburn that the House accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Gould.

Representative GOULD: Mr. Speaker pursuant to House Rule 7, I request permission to pair my vote with the Representative from Old Town, Representative Cashman. If he were present and voting, he would be voting yea; I would be voting nay.

The SPEAKER: The pending question before the House is the motion of the Representative from Auburn that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 36

YEA - Adams, Aikman, Ault, Barth, Beam, Bennett, Bowers, Brennan, Bruno, Cameron, Carleton, Caron, Carroll, Cathcart, Chase, Clement, Coles, Constantine, Cote, Cross, Daggett, DiPietro, Donnelly, Dore, Erwin, Faircloth, Farnsworth, Farnum, Fitzpatrick, Foss, Gamache, Gean, Gray, Greenlaw, Gwadosky, Hale, Hatch, Heesch, Heino, Hognlund, Holt, Joseph, Kerr, Ketterer, Kilkelly, Kontos, Larrivee, Lemont, Libby James, Lindahl, Lipman, Marsh, Melendy, Michael, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Nash, Nickerson, Norton, O'Gara, Oliver, Ott, Paradis, P.; Pendexter, Pendleton, Pfeiffer, Pineau, Plourde, Poulin, Rand, Reed, G.; Richardson, Ricker, Rotondi, Rowe, Ruhlin, Saint Onge, Saxl, Simonds, Skoglund, Spear, Stevens, K.; Sullivan, Swazey, Taylor, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, True, Walker, Wentworth, Winn, Zirkilton.

NAY - Ahearne, Aliberti, Anderson, Bailey, R.; Campbell, Carr, Chonko, Clark, Clukey, Coffman, Dexter, Driscoll, Farren, Hichborn, Hillock, Hussey, Jacques, Jalbert, Johnson, Joy, Kneeland, Kutasi, Look, Lord, MacBride, Marshall, Martin, H.; Michaud, Murphy, Pinette, Plowman, Pouliot, Quint, Reed, W.; Robichaud, Simoneau, Stevens, A.; Strout, Tardy, Tufts, Vigue, Young, The Speaker.

ABSENT - Bailey, H.; Cloutier, Dutremble, L.; Lemke, Libby Jack, Rydell, Small, Thompson, Whitcomb.

PAIRED: Gould (Nay)/Cashman (Yea)

Yes, 97; No, 43; Absent, 9; Paired, 2; Excused, 0.

97 having voted in the affirmative and 43 in the negative with 9 being absent and 2 paired, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

The Chair laid before the House the second item of Unfinished Business:

HOUSE DIVIDED REPORT - Majority (11) "Ought Not to Pass" - Minority (2) "Ought to Pass" as amended by Committee Amendment "A" (H-98) - Committee on Judiciary on Bill "An Act to Ensure a Parent's Right to Know" (H.P. 605) (L.D. 820)

TABLED - April 5, 1993 (Till Later Today) by Representative COTE of Auburn.

PENDING - Motion of same Representative to accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the

Representative from Hampden, Representative Plowman.

Representative PLOWMAN: Mr. Speaker, Men and Women of the House: I rise again and hopefully for the last time today as the only person on the Judiciary Committee to ask you not to accept the Majority "Ought Not to Pass" Report.

The opponents of this provision insist that parental notification is unjust to pregnant minors from abusive and/or incestuous families. Opponents claim 10 percent of pregnant minors fall in this category. How, they say, can we ask young ladies to tell physically or sexually abusive parents that they are pregnant? I ask you, how can we insist a child go through this most serious situation, abortion, provided by strangers only to be returned to a dysfunctional home to again be abused? We will have done nothing for the long-term safety and welfare of that minor. In some, and perhaps many instances, we will have made these children's lives worse.

Parental notification will work for whole families, for the parents who want to be for their children and for their children who need to reach out to their parents. The bypass provision, a safeguard for children of abusive homes, would allow a minor to obtain an abortion without parental consent but it also supplies the critical provision of alerting the proper authorities and agencies of the actual day-to-day danger that this child lives with. To suggest to a minor who lives in terror will be allowed to obtain an abortion simply upon the approval of a third party, whether a guidance counselor, psychologist or a minister attributes to abortion for minors the same emotional, spiritual and physical impact of the minor who gets drunk for the first time.

A recent poll showed almost 75 percent of Mainers approve of parental notification. I am sure they feel, as I do, parental notification is a means of bringing minors and parents together. How many of us as children were afraid to tell our parents we accidentally hit a baseball through a neighbors window or dented a fender on the family car? We may have had the most loving parents in the world but we were still afraid. We would have given anything in the world to fix the window or the dents so that Mom and Dad wouldn't find out, wouldn't we?

What then of a young girl today who discovers she is pregnant? It wouldn't be unusual, would it, for her to be afraid of her parents' reaction? That doesn't mean that her parents are going to react in a cruel and abusive manner, does it? Chances are that loving parents who learn that their child has crunched the car fender will want to know if she is all right. While the ramifications of pregnancy far surpass a fender bender, chances are loving parents, while they may not be delighted with the news, will want to know that their daughter is in good health and, in turn, will want her to know that she is still loved. We must not encourage further fragmentation of whole families. I believe neglecting parental notification provides an opportunity for children of loving parents, out of a normal but unnecessary reaction of fear, to seek consent for abortion through a third party and that would be tragic.

If my daughter, while still a minor, comes to me pregnant we will sit down and we will determine from all the available alternatives, what is best for her at this time in her life. We would consider things like her age and her maturity and the alternatives that might affect her life. If my daughter turns to

me when she is 30 and she says, "Mom, did I make the right decision?" I can look at her say, "Yes honey, we discussed all the possibilities, we did everything we could and you made the right decision."

How many proponents of this measure can guarantee a young woman, at age 30, can find her guidance counselor and ask if she made the right decision?

Finally, to whom does the minor of an abusive family with post-abortion trauma turn to for help? Those who oppose this measure have already established the possibility of these girls talking with their parents before the abortion. Would these advocates ask us to accept the notion that these abused children, following an abortion, will have the emotional strength to return to a dysfunctional home and pretend the whole thing never happened? Whose shoulders do these young ladies cry on? To whom do they say, I'm scared or simply, I need to talk to somebody? Young women with a legitimate reason not to tell their parents that they are pregnant may be in need of protection from emotional, physical or sexually abusive parents. We do these minors no favors when we allow them to be escorted by a third party to an abortion clinic and then back to a threatening homelife. That child needs much more protection than advocates of this measure would provide. If a minor, in such an instance, had to appear in court before a judge and say, I can't tell my father, he is the one who got me pregnant. I can't tell my mother, she will beat me like she did last week. The judge can provide that young lady the proper help. Teenagers don't always make the right decisions for themselves but they always need support.

It is for those of us in this body to consider the pregnant teenager who needs support beyond the one or two days required to have an abortion. Make no mistake, this vote, yea or nay, will have lifelong impact on thousands of young girls, children. We will never have to confront for the decision we have to make. A vote to send this out to referendum enabled those who have to live with this decision to make the choice.

I urge you to vote against the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Rome, Representative Tracy.

Representative TRACY: Mr. Speaker, Ladies and Gentlemen of the House: I was posed a question a few minutes ago, if this was my major function to ask for roll calls — no, that is not my major function to be down here to ask just strictly for roll calls, my constituency voted overwhelmingly to send me down here to make some tough, rational decisions. I am here to make those tough, rational decisions here today and, while I am on my feet Mr. Speaker, I would request the yeas and nays when the vote is taken.

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

Representative COFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: Teenagers need parental permission to go on a class trip, to have their ears pierced for minor surgery — why shouldn't Maine law require them to notify their parents or another family member over 21 years of age or consult a judge before undertaking a major and risky surgical procedure such as abortion? Why is surgery, which we call abortion, treated differently than even minor surgery such as single stitch on the end of the finger?

Present law prohibits minors from using

cigarettes and alcohol and restricts their use of an automobile — why shouldn't we be involved in a major decision that they will have to live with the rest of their lives? Courts have ruled that parental consent laws must give the minor an option which this law provides by allowing other family members to be involved or a judge. Parental notification is a family issue. By requiring that a family member be involved in such a major decision in a young woman's life, we as a society are helping to strengthen the family unit.

In a poll done by the Maine Sunday Telegram, 74.5 percent of those polled favored parental consent. Numerous national polls demonstrate that voters overwhelmingly support laws requiring parental involvement in their child's abortion decisions. Why then do most abortion rights groups go against what the majority of citizens want by opposing this type of requirement? Will the Maine Legislature, once again, go against what the majority of Maine citizens want? Are we not here as legislators to represent the majority of the citizens of Maine and not just our own personal views? Mark my words, we will be held accountable for our actions here today.

In 1990, Emily's List, a group that supports democratic female candidates who advocate abortion rights commissioned a national poll. The survey found that nearly 70 percent of voters support parental consent for minors and that the issue is viewed as a family matter. The polls showed that in voters' minds, parental consent is an issue of parental authority and parental responsibility. Parents should, and most parents want to be involved, when a child is faced with an abortion decision.

I am here today speaking, not only as a State Legislator, but as a parent of two beautiful daughters. I do not support laws that would take away my parental responsibilities and rights, I cherish my rights and responsibilities as a father. I hope that if my daughter got pregnant that she would come to me but if we create a system that tells her that abortion is a quick, easy fix to her unplanned pregnancy without parental involvement, she may make the decision to abort and regret it for the rest of her life.

As a school board member in Old Town, I have watched through the years how we influence our kids through what some call "social engineering" in our schools. If we make it easy, then she will think that it is an easy solution. If that's the best we as a society can offer our daughters, then we have failed them, ourselves, and the thousands of other Maine teens who find themselves in a crisis situation. Abortion may seem to be an easy and quick solution at the time to a serious and complex problem but it never is an easy and quick solution.

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House: I have refrained from speaking on this issue until this point. In fact, I have refrained from speaking on the floor of the House so far this session. Others are more articulate than I, still others have a more pressing need to hear the sound of their own voices but I feel strongly about this issue.

To the Representative from Old Town I would say, it is not possible to legislate healthy communications within families. We have in place an excellent compromise measure, an adult involvement

act which allows for those young women who must have counsel of an adult, to seek someone other than a family member. It acknowledges that there are times when a young woman does not feel that she is able to communicate with her parents. You need only think of the baby found under the steps of an apartment house in Portland, in a dumpster in Bangor, again abandoned in Castine, the carcasses of infants found in Hollis to recognize that these young women must have been terrified at the thought of communicating with a family member. It must have been so devastatingly terrifying that they would prefer to go through childbirth alone.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I take my hat off to the young Representative from Old Town, he more or less stated exactly what I would say, that you have to give your daughter permission to get her ears pierced, you must give your daughter permission to go on a class trip. In all the years that I have lived on this good earth, we have had four children, we have three remaining and I have seven grandchildren, it never fails, it's always the ones that have no children that are telling others how to raise them. The day will come that each one of us will answer how our children turned out and I say, I shall have the say on earth if I am to be accountable for somewhere else. It never fails that you have your children, you raise them the way they should be raised, then they turn around and you have nothing to say about it but let the fur hit the fan, the first one they turn up — you went wrong, you didn't bring your children up the way you should have. I say the final word is with the children.

I was brought up in a family where the parents had the last word. I found out that I didn't like it at the time, I thought they were very unreasonable, they were strict. I found out afterwards that there was a good reason for it. Now we are saying that one of the most difficult decisions to be made by a child, which unfortunately happens to a daughter, the parents have nothing to say about it. You stay out of it. I say again, any of you people who have no children, let you raise the children and go through the turmoil and the hurt and the heartbreaks that you will feel through life and say to me, you have no right to determine an issue like this.

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

Representative COFFMAN: Mr. Speaker, Men and Women of the House: I heard about adult involvement — how about parental involvement? That is the issue. Rejecting this and keeping what is in Maine law right now just fosters an anti-family climate. Someone spoke about the pain of giving birth that a minor goes through — I listened to all those women talk about the pain that they have lived with since they had abortions, every single one of them. Are you prepared to condemn our daughters to that pain for the rest of their lives?

I can remember two years ago my 10 year old daughter — I got a call from the hospital that she was taken down from school because she cut her finger. It required two stitches. I had to go from work down to the hospital and give written permission for the doctor to stitch up her finger with two stitches. Something is really wrong here when my daughter can go down and get an abortion and I would

never know about it. Something is really, really wrong here and that same child that you have engineered the situation where she can hide it from me, the parent, comes home and says she has a problem medically, that she is bleeding internally, that she is hemorrhaging — do you think all of a sudden she is going to come out and say, "Daddy, I've had an abortion?" No, she is going to continue hiding that from me and go upstairs and probably bleed to death. That was a situation that was mentioned to me by somebody when we kept talking about this point. I think from raising several children the experience I have would show that that is what would happen in real life.

I would like to thank the Representative for speaking about the issue of letting those people who have children, who have raised children, who are raising children, speak on this issue. I have heard enough about — men should not speak on this issue — well, children that come in this world are part of us. We do have a right to speak on this issue and parents have a right to speak on this issue, even more than anybody else. So, I would just like to thank him for speaking on that.

When I think of that instance where two stitches required my written permission, I look at this issue, the denial of parental notification, it is not even parental consent, it is parental notification and how hard the other side is fighting for this or against this — I am wondering what's really the issue here. Could it be female liberation? Is that the ultimate that we are talking about? I don't care how young, one year old or when you are born a female, you are completely liberated, you don't have to answer to any mistake that you would make. I mean, liberation from what? From responsibility? Getting pregnant and having a child should be a responsible act.

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

Representative JOHNSON: Mr. Speaker, Men and Women of the House: I want first of all to give my support for Representative Townsend. I have heard a description of the world in which we do not have perfect families, there are imperfect mothers and fathers who are unable to communicate with their children for one reason or another. In my job as Chaplain at the Maine Youth Center for 15 years, I, as Chaplain, had to sit down with young girls who were in trouble, who were pregnant, because their mother and their father had no idea what it meant to be a mother or a father. Many times the pregnancy was occurred within the family.

When I look at the issue of passing a law in the State of Maine, I see my job as being responsible to make that law one that will support the vulnerable people in our society and a law that will be as universal as possible and not to distinguish or discriminate.

I am a father, I have raised children so I passed that one. I have acted as a father, a spiritual father, to the children whom the state was taking care of.

I urge that you consider the Majority "Ought Not to Pass" Report.

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

A vote of the House was taken and more than

one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is the motion of Representative Cote of Auburn that the House accept the Majority "Ought Not to Pass" Report.

The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative H. Bailey of Township 27. If he were present and voting, he would be voting yea; I would be voting nay.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Gould.

Representative GOULD: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative Cashman of Old Town. If he were present and voting, he would be voting yea, I would be voting nay.

The SPEAKER: The pending question before the House is the motion of Representative Cote of Auburn that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 37

YEA - Adams, Aikman, Ault, Bailey, R.C.; Barth, Beam, Bennett, Bowers, Brennan, Bruno, Cameron, Carleton, Caron, Carroll, Cathcart, Chase, Chonko, Clement, Coles, Constantine, Cote, Cross, Daggett, DiPietro, Donnelly, Dore, Erwin, Faircloth, Farnsworth, Farnum, Fitzpatrick, Foss, Gamache, Gean, Gray, Greenlaw, Gwadosky, Hale, Hatch, Heeschen, Heino, Hillock, Høglund, Holt, Johnson, Joseph, Kerr, Ketterer, Kilkelly, Kontos, Larrivee, Lemke, Lemont, Lindahl, Lipman, Marsh, Melendy, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Nash, Nickerson, Norton, O'Gara, Oliver, Ott, Paradis, P.; Pendexter, Pendleton, Pfeiffer, Pineau, Plourde, Poulin, Rand, Reed, G.; Richardson, Rowe, Ruhlin, Saint Onge, Saxl, Simonds, Small, Spear, Stevens, K.; Sullivan, Swazey, Taylor, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, True, Walker, Wentworth, Winn, Zirkilton.

NAY - Ahearne, Aliberti, Anderson, Bailey, R.; Campbell, Carr, Clark, Clukey, Coffman, Dexter, Driscoll, Farren, Hussey, Jalbert, Joy, Kneeland, Kutasi, Libby James, Look, Lord, MacBride, Marshall, Martin, H.; Michael, Michaud, Murphy, Pinette, Plowman, Pouliot, Quint, Reed, W.; Ricker, Robichaud, Rotondi, Simoneau, Stevens, A.; Strout, Tardy, Tufts, Young, The Speaker.

ABSENT - Cloutier, Dutremble, L.; Hichborn, Jacques, Libby Jack, Rydell, Skoglund, Thompson, Whitcomb.

PAIRED - Vigue (Nay)/H. Bailey (Yea); Gould (Nay)/Cashman (Yea).

Yes, 97; No, 41; Absent, 9; Paired, 4; Excused, 0.

97 having voted in the affirmative and 41 in the negative with 9 being absent and 4 paired, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

The Chair laid before the House the following

matter: Bill "An Act to Protect Reproductive Privacy in Maine" (S.P. 117) (L.D. 318) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Representative St.Onge of Greene offered House Amendment "M" (H-129) and moved its adoption.

House Amendment "M" (H-129) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Greene, Representative St.Onge.

Representative St. ONGE: Mr. Speaker, Members of the House: I apologize to you, I know it has been a long day.

One of my concerns has been information provided to women seeking an abortion. I think this is important regardless of age. It is a difficult decision.

This amendment meets the need and avoids the informational requirements that have been used by both sides. It develops a neutral informational sheet which can be placed in a physician's office for anyone to pick up at any point in time. This would meet a legitimate requirement to provide information.

This amendment requires a public hearing so all parties would be involved and it would include such information as adoption, abortion, family financial support and whatever other information the committee would decide to put in.

I must stress this is not intended to make the process more difficult for a woman but to give them the information needed to make the decision. It is a difficult one and I urge you to support this amendment. Thank you for your time.

The SPEAKER: The Chair recognizes the Representative from Rome, Representative Tracy.

Representative TRACY: Mr. Speaker, I have been up as many times as this bill has been in front of us today. I request the yeas and nays when the vote is taken on House Amendment "M."

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

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

The SPEAKER: The pending question before the House is adoption of House Amendment "M" (H-129). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 38

YEA - Ahearne, Aliberti, Anderson, Bailey, R.; Beam, Bruno, Cameron, Campbell, Carr, Chase, Chonko, Clark, Clukey, Coffman, Cross, Dexter, Donnelly, Dore, Driscoll, Farren, Gould, R. A.; Hillock, Hussey, Jalbert, Joy, Kneeland, Kutasi, Lemont, Libby James, Lindahl, Look, Lord, MacBride, Marsh, Marshall, Martin, H.; Melendy, Michael, Michaud, Murphy, Pinette, Plourde, Plowman, Pouliot, Quint, Reed, W.; Robichaud, Ruhlin, Saint Onge, Simoneau, Stevens, A.; Strout, Tardy, Tufts, Vigue, Young, Zirkilton.

NAY - Adams, Aikman, Ault, Barth, Bennett, Bowers, Brennan, Carleton, Caron, Carroll, Cathcart, Clement, Coles, Constantine, Cote, Daggett, DiPietro, Erwin, Faircloth, Farnsworth, Fitzpatrick, Foss,

Gamache, Gean, Gray, Greenlaw, Gwadosky, Hale, Hatch, Heesch, Heino, Hognlund, Holt, Johnson, Joseph, Kerr, Ketterer, Kilkelly, Kontos, Larrivee, Lemke, Lipman, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Nash, Nickerson, Norton, O'Gara, Oliver, Ott, Paradis, P.; Pendleton, Pfeiffer, Poulin, Rand, Reed, G.; Richardson, Ricker, Rotondi, Rowe, Saxl, Simonds, Small, Spear, Stevens, K.; Sullivan, Swazey, Taylor, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, True, Walker, Wentworth, Winn.

ABSENT - Bailey, H.; Cashman, Cloutier, Dutremble, L.; Farnum, Hichborn, Jacques, Libby Jack, Pendexter, Pineau, Rydell, Skoglund, Thompson, Whitcomb, The Speaker.

Yes, 57; No, 79; Absent, 15; Paired, 0; Excused, 0.

57 having voted in the affirmative and 79 in the negative with 15 being absent, House Amendment "M" (H-129) was not adopted.

The SPEAKER: The pending question before the House is passage to be engrossed on L.D. 318.

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

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

The SPEAKER: The pending question before the House is passage to be engrossed of L.D 318.

The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative Dutremble of Biddeford. If he were present and voting, he would be voting nay; I would be voting yea.

The Chair recognizes the Representative from Caribou, Representative Robichaud.

Representative ROBICHAUD: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative Thompson of Lincoln. If he were present and voting, he would be voting yea; I would be voting nay.

The SPEAKER: The pending question before the House is passage to be engrossed of L.D 318. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 39

YEA - Adams, Aikman, Ault, Barth, Bennett, Bowers, Brennan, Bruno, Cameron, Carleton, Caron, Carroll, Cathcart, Chase, Clement, Coles, Constantine, Cote, Daggett, DiPietro, Donnelly, Dore, Erwin, Faircloth, Farnsworth, Fitzpatrick, Foss, Gamache, Gean, Gray, Greenlaw, Gwadosky, Hale, Hatch, Heesch, Heino, Hillock, Hognlund, Holt, Johnson, Joseph, Kerr, Ketterer, Kilkelly, Kontos, Larrivee, Lemke, Lemont, Libby James, Lindahl, Lipman, Marsh, Michael, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Nash, Nickerson, Norton, O'Gara, Oliver, Ott, Pendleton, Pfeiffer, Plourde, Poulin, Rand, Reed, G.; Richardson, Rotondi, Rowe, Ruhlin, Saint Onge, Saxl, Simonds, Skoglund, Small, Spear, Stevens, K.; Sullivan, Swazey, Taylor, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, True, Walker, Wentworth, Winn, Zirkilton.

NAY - Ahearne, Aliberti, Anderson, Bailey, R.;

Beam, Campbell, Carr, Chonko, Clark, Clukey, Coffman, Cross, Dexter, Driscoll, Farren, Gould, R. A.; Hussey, Jalbert, Joy, Kneeland, Kutasi, Look, Lord, MacBride, Marshall, Martin, H.; Melendy, Michaud, Murphy, Pinette, Plowman, Pouliot, Quint, Reed, W.; Ricker, Simoneau, Stevens, A.; Strout, Tardy, Tufts, Vigue, Young, The Speaker.

ABSENT - Bailey, H.; Cashman, Cloutier, Farnum, Hichborn, Jacques, Libby Jack, Pendexter, Pineau, Rydell, Whitcomb.

PAIRED - Paradis (Yea)/Dutremble (Nay); Robichaud (Nay)/Thompson (Yea).

Yes, 93; No, 43; Absent, 11; Paired, 4; Excused, 0.

93 having voted in the affirmative and 43 in the negative with 11 being absent and 4 paired, L.D. 318 was passed to be engrossed in concurrence.

By unanimous consent, L.D. 318, 819 and 820 were ordered sent forthwith to the Senate.

The Chair laid before the House the third item of Unfinished Business:

HOUSE DIVIDED REPORT - Report "A" (6) "Ought to Pass" as amended by Committee Amendment "A" (H-100) - Report "B" (6) "Ought Not to Pass" - Committee on Fisheries and Wildlife on Bill "An Act to Prohibit the Use of Electronic Calling Devices While Hunting Moose" (H.P. 317) (L.D. 405)

TABLED - April 5, 1993 (Till Later Today) by Representative ROTONDI of Athens.

PENDING - Motion of same Representative to accept Report "B" "Ought Not to Pass".

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Larrivee.

Representative LARRIVEE: Mr. Speaker, Men and Women of the House: I would hope that we would have a Division on this. I would like to let us have a vote on this because the Committee was divided, we were six to six on this particular bill and I think it is an issue that deserves some debate and discussion.

The bill itself calls for the prohibition of electronic devices used for calling moose in moose hunts. It was the feeling of those of us who supported the "Ought to Pass" Report that we should prohibit these devices as we believe they are not necessary, knowing that the kill rate in the moose hunt is extremely high, it hardly seems necessary to go out there with electronic equipment. Some of these are large speakers used in order to call moose. It was the opinion of at least half of us on the committee that these were not necessary and not required.

So, I would ask you to reject the "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from West Gardiner, Representative Marsh.

Representative MARSH: Mr. Speaker, Ladies and Gentlemen of the House: I truthfully don't know when it is a split vote how I am supposed to tell you to vote. I hope that you will vote to send these electronic devices where they should be.

The Maine moose season is something that is the pride of the State of Maine. We went to a referendum on it years ago. We voted across the State of Maine to have a moose season, we established the rules and since that time these electronic devices have come to pass. One of the ways that we sold the moose season — one of the reasons that the populace went on record of being in favor of it was, it was going to be a blue collar hunt where everyone could participate. You didn't have to be rich, you didn't have to have a guide, you didn't have to have a lot of specialized equipment. The hunt has gone on for many years and really has come to have a pretty good reputation and a lot of people have participated.

What has happened now with these electronic devices that have become available, the person who encouraged me to put in this legislation described the tape that was played as a "Mrs. Moose that was much in need of a Mr. Moose." Now, you take that and take some big speakers and hook them up to a four-wheel drive truck and then step out with a large rifle with a telescopic site, I really don't think that is a fair chase and I don't think they are needed in the Maine moose hunt. I encourage you to vote to outlaw them.

The SPEAKER: The Chair recognizes the Representative from Limestone, Representative Young.

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

I would like to know of Representative Rotondi — I construed an electronic calling device when I first read this to be a cellular telephone — not knowing anymore about this, could someone please explain to me, is this a device to call the moose? I'm confused.

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

The Chair recognizes the Representative from West Gardiner, Representative Marsh.

Representative MARSH: Mr. Speaker, Ladies and Gentlemen of the House: I don't sit on the Fisheries and Wildlife Committee so if there is someone here who would rather answer — what has happened is that tapes have been made of what I described before. These tapes are available for sale and they are used a lot on the other side of the boundary but our friends from Quebec who perhaps don't enjoy a fair chase as much as we do in hunting and these tapes have slowly but surely come across the boundary. They are being bought, they are used in conjunction with amplifiers, they are set up next to a wetland area which has pages and pages of protection under the DEP laws, but isn't protected from this. I say again I don't think it is needed and we probably should vote to outlaw them.

The SPEAKER: The Chair recognizes the Representative from Athens, Representative Rotondi.

Representative ROTONDI: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will support the pending motion before you.

I wasn't one of the proponents of this bill on the committee. First of all, we can only take as many moose as permits that are issued and we can only take up to a thousand moose anyway but I can't believe that a thousand people going out and do what Representative Marsh just talked about. There are other devices that a person might use to call a moose such as a can and string, and that's a homemade device, or you can go and buy a call that is made of birchbark. So, if we are going to consider passing

this piece of legislation, we should be fair and offer an amendment that makes it illegal to use any kind of device to call a moose because it is the noise that is produced by the device, not the manner in which it is produced.

I don't believe that this a necessary piece of legislation and I hope that you will support the pending motion. It is not detrimental to the moose herd either.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Men and Women of the House: I was going to use my electronic call but I didn't get it turned on in time.

I can see where my good friend Representative Marsh is coming from, from the coast, because I think he just wore his hiphuggers when he gave you an explanation of what this bill wants to do.

In life there are a lot of things that we use in the hunt, I was fortunate to take part in three of them, as well as the Speaker I understand took part, and he bagged his moose, but a lot of people out there don't get their moose. Just because you have a thousand, there is no guarantee that you are going to get a moose. I was involved in three and I can tell you one person used an electronic device and he went home without the moose at the end of the week. There is no guarantee that that electronic call device is going to get you a moose as well as I use the old permanent way as an old Indian grandfather taught me to use the old cans or whatever it may be. There are many ways, you can use electronic calling devices and many devices.

I feel if we eliminate this, I am getting a nod to sit down, but if we eliminate this, I think we are doing an injustice to the sport because it is a sport no matter what you do.

I hope you vote with Representative Rotondi. Representative Marsh of West Gardiner was granted permission to speak a third time.

Representative MARSH: Mr. Speaker, Men and Women of the House: I realize it has been a long day but I seriously feel very strongly about this. I was at a loss for words to describe what this device is. My seatmate has told me that I should describe the device that is used as a boom box.

With that, I would like to address a question to Representative Rotondi. Representative Rotondi, you say that there are a thousand people who can hunt and this is true and you say that you don't feel that it would be offensive — I would like to ask if all these thousand people went into the north woods with a boom box making the noise that I just described, would you find that offensive and still call it a fair chase hunt?

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Athens, Representative Rotondi, that the House accept Report "B", "Ought Not to Pass." Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 20 having voted in the affirmative and 94 in the negative, Report "B", "Ought Not to Pass" was not accepted.

Subsequently, Report "A", "Ought to Pass" was accepted, the bill read once.

Committee Amendment "A" (H-100) was read by the Clerk and adopted.

Under suspension of the rules, the bill was read

a second time, passed to be engrossed as amended by Committee Amendment "A" (H-100) and sent up for concurrence.

The Chair laid before the House the following matter: Bill "An Act to Promote Electronic Transfer of Funds and Other Information System Improvements in State Government" (H.P. 845) (L.D. 1150) which was referred to the Committee on **State and Local Government** in the House on April 1, 1993 and came from the Senate referred to the Committee on **Human Resources** in non-concurrence which was tabled earlier in the day and later today pending further consideration.

On motion of Representative Joseph of Waterville, tabled pending further consideration and specially assigned for Thursday, April 8, 1993.

On motion of Representative O'Gara of Westbrook, Adjourned at 6:02 p.m. until Thursday, April 8, 1993, at ten o'clock in the morning.
