

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

Volume II

May 9, 1969 to June 17, 1969

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Thursday, May 15, 1969

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

Prayer by the Rev. Mr. Douglas Robbins of Augusta.

The journal of yesterday was read and approved.

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on

Bill "An Act Concerning the Riding of Bicycles" (H. P. 789) (L. D. 1022) reporting that they are unable to agree.

(Signed) CAREY of Waterville
IMMONEN of West Paris
LEBEL of Van Buren
— Committee on part of House.

STUART of Cumberland
GORDON of Cumberland
BARNES of Aroostook
— Committee on part of Senate.

Report was read and accepted and sent up for concurrence.

Papers from the Senate Reports of Committees Leave to Withdraw

Report of the Committee on Retirements and Pensions on Bill "An Act relating to Amount of Group Life Insurance for Retired Persons under Maine State Retirement System" (S. P. 112) (L. D. 321) reporting Leave to Withdraw.

Came from the Senate read and accepted.

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

Covered by Other Legislation

Report of the Committee on State Government on Bill "An Act Increasing Salary of County Attorney of Washington County" (S. P. 305) (L. D. 998) reporting Leave to Withdraw, as covered by other legislation.

Came from the Senate read and accepted.

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

Ought Not to Pass Covered by Other Legislation

Report of the Committee on Retirements and Pensions on Bill "An Act Revising the Maine State Retirement Law" (S. P. 299) (L. D. 992) reporting "Ought not to pass", as covered by other legislation.

Report of the Committee on State Government reporting same on Bill "An Act Establishing the Maine Planning Commission on Criminal Law Administration" (S. P. 318) (L. D. 1032)

Came from the Senate read and accepted.

In the House, the Reports were read and accepted in concurrence.

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought not to pass" on Bill "An Act relating to Truth in Advertising" (S. P. 329) (L. D. 1128)

Report was signed by the following members:

Mr. LOGAN of York
— of the Senate.

Messrs. SCOTT of Wilton
TRASK of Milo
GAUTHIER of Sanford
FECTEAU of Biddeford
HARRIMAN of Hollis
SCOTT of Presque Isle
CLARK of Jefferson

— of the House.

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

Report was signed by the following members:

Messrs. LEVINE of Kennebec
BERRY of Cumberland
— of the Senate.

Came from the Senate with the Bill substituted for the Reports and the Bill referred to the Committee on Judiciary.

In the House: Reports were read.

Thereupon, the Bill was substituted for the Reports and referred to the Committee on Judiciary in concurrence.

Divided Report

Report "A" of the Committee on Retirements and Pensions reporting "Ought to pass" on Bill "An Act relating to Service Retirement of Liquor Inspectors" (S. P. 93) (L. D. 253)

Report was signed by the following members:

Mr. HANSON of Kennebec
— of the Senate.
Messrs. TEMPLE of Portland
MARQUIS of Lewiston
SHELTRA of Biddeford
MEISNER
of Dover-Foxcroft
— of the House.

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

Report was signed by the following members:

Messrs. CIANCHETTE of Somerset
DUQUETTE of York
— of the Senate.
Mr. PRATT of Parsonsfield
Mrs. LINCOLN of Bethel
Mr. BARNES of Alton
— of the House.

Came from the Senate with Report "B" accepted.

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Parsonsfield, Mr. Pratt.

Mr. PRATT: Mr. Speaker, I move that we accept Report "B" in concurrence with the Senate.

The SPEAKER: The gentleman from Parsonsfield, Mr. Pratt, moves that the House accept Report "B" "Ought not to pass" in concurrence.

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

Mr. TEMPLE: Mr. Speaker and Ladies and Gentlemen of the House: I don't go along with accepting Report "B" of the Committee because this is a law enforcement agency. These men that serve in this agency can go to work up to the age of forty years old. The State Police can only go to work up to the age of thirty. I believe that these law enforcement agencies ages should be coordinated and I think this bill would be a start in the right direction of coordinating these agencies that do law enforcement work.

Now we know that a man going to work at forty years old and having to go in to some of the places that they have to frequent to do their job as law enforcement officials, that they should not be of any such age as this, and the Legislature respects this in regards to the State Police and I would

hope that they would accept it in regards to the liquor inspectors for the state.

Therefore I hope that you will not support the motion of Mr. Pratt from Parsonsfield and accept Report "A".

The SPEAKER: The Chair recognizes the gentleman from Parsonsfield, Mr. Pratt.

Mr. PRATT: Mr. Speaker, Ladies and Gentlemen of the House: This bill reads that "Any member who is a liquor inspector, including the chief inspector" — we don't want to get into that again I am sure, "and in any case at least 20 years of creditable service in his respective capacity, may be retired on or after the attainment of age 50"—then it goes on "on a service retirement allowance, but must be retired at the attainment of age 65," This would put the liquor inspectors in the same category with the State Police, and the State Police are now the only ones that enjoy this rapid retirement plan because of their hazardous duty.

The enactment of this bill would cost some ten to twelve thousand dollars annually from the General Fund, and I don't believe certainly that they should have this retirement plan and it would open the door I am sure to many other state agencies if it were granted to them.

The SPEAKER: Is the House ready for the question? All in favor of the pending motion will vote yes; those opposed will vote no. And the pending motion is the motion of the gentleman from Parsonsfield, Mr. Pratt, that the House accept Report "B" "Ought not to pass" in concurrence. If you are in favor of this motion you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

A vote of the House was taken. 80 having voted in the affirmative and 38 having voted in the negative, the motion did prevail.

Non-Concurrent Matter

Bill "An Act relating to Restrictions on Ice Fishing on all Inland Waters" (H. P. 1090) (L. D. 1407) which was passed to be engrossed as amended by House Amendment "B" in the House on May 7.

Came from the Senate with House Amendment "B" indefinitely postponed and the Bill passed to be

engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House: On motion of Mr. Ross of Bath, the House voted to recede and concur with the Senate.

**Non-Concurrent Matter
Tabled and Assigned**

Bill "An Act relating to Fee for Breweries and Wholesale Outlets to Sell Malt Liquor" (H. P. 1178) (L. D. 1499) which was passed to be engrossed in the House on May 9.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House: On motion of Mr. Hichens of Eliot, tabled pending further consideration and specially assigned for tomorrow.

Messages and Documents

The following Communication:

STATE OF MAINE
SENATE CHAMBER
PRESIDENT'S OFFICE

May 14, 1969

Honorable Bertha W. Johnson
Clerk of the House
Augusta

Dear Madam Clerk:

The Committee on Reference of Bills has met and decided to extend the date by which all bills must be reported out of committee.

All bills and resolves must be reported from all committees by 5:00 p.m. on May 23, 1969.

Respectfully yours,

(Signed) KENNETH P. MacLEOD
Kenneth P. MacLeod,
Chairman

Committee on Reference of Bills
The Communication was read and ordered placed on file.

The following Communication:

THE SENATE OF MAINE
Augusta

May 14, 1969

Honorable Bertha W. Johnson
Clerk of the House of Representatives
104th Legislature

Dear Madam Clerk:

The President has appointed the following members of the Senate to the Committee of Conference on the disagreeing action of the two Branches of the Legislature on Resolve, in Favor of Town of Har-

rington for Medical Care of an Indigent. (H. P. 543) (L. D. 722):

Senators:

PEABODY of Aroostook
BOISVERT
of Androscoggin
GREELEY of Waldo

The President has appointed the following members of the Senate to the Committee of Conference on the disagreeing action of the two Branches of the Legislature on Bill, An Act Relating to Age Requirement for Kindergartens. (H. P. 458) (L. D. 595):

Senators:

KELLAM of Cumberland
VIOLETTE of Aroostook
MOORE of Cumberland

The President has appointed the following members of the Senate to the Committee of Conference on the disagreeing action of the two Branches of the Legislature on Bill, An Act Relating to Expert Witness Fees as Court Costs. (S. P. 103) (L. D. 312):

Senators:

BERRY of Cumberland
REED of Sagadahoc
BARNES of Aroostook

The President has appointed the following members of the Senate to the Committee of Conference on the disagreeing action of the two Branches of the Legislature on Bill, An Act Providing for a Presidential Preference Primary. (H. P. 516) (L. D. 687):

Senators:

ANDERSON of Hancock
HOFFSES of Knox
LETOURNEAU of York

The President has appointed the following members of the Senate to the Committee of Conference on the disagreeing action of the two Branches of the Legislature on Bill, An Act Relating to Membership on the Board of School Directors. (H. P. 981) (L. D. 1265):

Senators:

MOORE of Cumberland
STUART of Cumberland
MARTIN of Piscataquis

The President has appointed the following members of the Senate to the Committee of Conference on the disagreeing action of the two Branches of the Legislature on Resolve, Proposing an Amendment to the Constitution Pledging Credit of State for Loans of Maine School

Building Authority. (S. P. 97) (L. D. 307):

Senators:

KATZ of Kennebec

KELLAM of Cumberland

MINKOWSKY

of Androscoggin

Respectfully,

(Signed) JERROLD B. SPEERS

Secretary of the Senate

The Communication was read and ordered placed on file.

Orders

Mr. Waxman of Portland presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Maine Education Council established pursuant to Chapter 452 of the Public Laws of 1967 is authorized and directed to examine in detail existing law as it relates to a minimum number of school days to determine the desirability of extending legal requirements to possibly include a 210-day school year, and also to determine to what extent it would be advisable to use preschool and inservice training in arriving at said minimum school year; and be it further

ORDERED, that the Maine Education Council submit a written report of its findings, together with any necessary recommendations and implementing legislation, at the next regular or special session of the Legislature. (H. P. 1193)

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Marstaller.

Mr. MARSTALLER: Mr. Speaker, I move indefinite postponement of this order and would speak to my motion.

The SPEAKER: The gentleman from Freeport, Mr. Marstaller moves indefinite postponement of this order. The gentleman may proceed.

Mr. MARSTALLER: Mr. Speaker and Members of the House: It seems to me that the timing of this order is not particularly correct. We have before us other legislation pertaining to clarifying the number of days required in the school year and I think that when this is clarified and we work on this program, that then at some later time we might study this. However, I think a prior study

might be in order as to what we are doing with the present school days and improve our education and what we are doing instead of extending it without really studying what we are doing. I think this order is poorly timed. Thank you.

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

Mr. WAXMAN: Mr. Speaker and Ladies and Gentlemen of the House: I am not sure I am aware of what other legislation we have pending in regard to the school year that Mr. Marstaller has referred to. The reason that I introduced this order, as I explained yesterday on speaking on the bill with regard to minimum school years, was that I felt that we should be taking a very careful and close look at the way we are using our existing school facilities and that we should be looking into the possibility of using them to greater advantage.

This does not commit this body to any extension of the present law or any extension of the present minimum school year. It does, however, I think give an opportunity for a very close scrutiny to be paid to this problem and for recommendations to be made for our consideration at a later date. I think it is a reasonable order and I would hope that the ladies and gentlemen of this House would see fit to pass favorably upon it.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Freeport, Mr. Marstaller, that this order be indefinitely postponed. All in favor of indefinite postponement will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

35 having voted in the affirmative and 89 having voted in the negative, the motion did not prevail.

Thereupon, the Joint Order received passage and was sent up for concurrence.

House Reports of Committees Leave to Withdraw

Mr. Mosher from the Committee on Public Utilities on Bill "An

Act relating to Exception to Plumbers Law Because of Municipal Requirements" (H. P. 1001) (L. D. 1303) reported Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

Covered by Other Legislation

Mr. Benson from the Committee on Appropriations and Financial Affairs on Bill "An Act Increasing Mileage Allowance for State Employees on State Business" (H. P. 370) (L. D. 480) reported Leave to Withdraw, as covered by other legislation.

Mrs. Baker from the Committee on Legal Affairs reported same on Bill "An Act relating to Registration of Snow Traveling Vehicles" (H. P. 913) (L. D. 1174)

Mr. Cox from same Committee reported same on Bill "An Act to Amend the Charter of the City of Saco" (H. P. 994) (L. D. 1278)

Mr. Norris from same Committee reported same on Bill "An Act relating to Bank Holidays" (H. P. 593) (L. D. 774)

Reports were read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Lee from the Committee on Highways reported "Ought not to pass" on Bill "An Act to Provide Funding for Police Professional Liability Insurance for Maine State Police Officers" (H. P. 855) (L. D. 1097)

Report was read and accepted and sent up for concurrence.

Tabled and Assigned

Mr. Moreshead from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act to Provide Mandatory Penalties for Commission of a Crime with a Dangerous Weapon" (H. P. 1031) (L. D. 1361)

Report was read.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, I would inquire of the gentleman from Augusta, Mr. Moreshead, or any other member of the Committee who might care to answer, whether or not the Judiciary

Committee is going to bring before us a bill which will increase the penalties for the commission of a felony committed while carrying a firearm?

The SPEAKER: The gentleman from Cumberland, Mr. Richardson poses a question through the Chair to any members of the Judiciary Committee who may answer if they choose.

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

Mr. BRENNAN: Mr. Speaker, to answer the question of the gentleman from Cumberland, not to my knowledge, but as I understand the law, a felony committed with the use of a weapon carries any term of years anyway, so I don't know really how you can increase it a great deal.

Whereupon, on motion of Mr. Richardson of Cumberland, tabled pending acceptance of the "Ought not to pass" Report and specially assigned for tomorrow.

Tabled and Assigned

Mr. Cox from the Committee on Legal Affairs reported "Ought not to pass" on Bill "An Act Re-establishing a Passageway for Boats Across the Dam on the Kennebec River at Augusta" (H. P. 899) (L. D. 1160)

Report was read.

(On motion of Mr. Lewin of Augusta, tabled pending acceptance of Report and specially assigned for tomorrow.)

Mr. Norris from the Committee on Legal Affairs reported "Ought not to pass" on Bill "An Act relating to Exception in Filing to Perfect Security Interest under Uniform Commercial Code" (H. P. 979) (L. D. 1263)

Mr. Dyar from the Committee on Towns and Counties reported same on Bill "An Act relating to Expenses of Chief Administrative Officer of County Commissioners of Aroostock County" (H. P. 493) (L. D. 647)

Reports were read and accepted and sent up for concurrence.

Covered by Other Legislation

Mr. Hall from the Committee on Highways on Bill "An Act relating

to Reimbursement to Towns for Construction of and Snow Removal from Highways" (H. P. 383) (L. D. 492) reported "Ought not to pass", as covered by other legislation.

Mr. Wood from same Committee reported same on Bill "An Act relating to Winter Maintenance of State Aid Highways by Municipalities" (H. P. 725) (L. D. 943)

Reports were read and accepted and sent up for concurrence.

Tabled and Assigned

Mr. Emery from the Committee on Public Utilities reported "Ought not to pass," as covered by other legislation on Bill "An Act Amending the Sanford Sewerage District" (H. P. 706) (L. D. 920)

Report was read.

(On motion of Mr. Gauthier of Sanford, tabled pending acceptance of Report and specially assigned for tomorrow.)

Ought to Pass in New Draft New Draft Printed

Mr. Dudley from the Committee on Highways on Bill "An Act relating to Reimbursement to Certain Towns for Snow Removal from Highways" (H. P. 30) (L. D. 31) reported same in a new draft (H. P. 1192) (L. D. 1514) under title of "An Act relating to Winter Maintenance of State Aid Highways and Town Ways by Municipalities" and that it "Ought to pass"

Report was read and accepted, the New Draft read twice and tomorrow assigned.

Ought to Pass Printed Bills

Mr. Bragdon from the Committee on Appropriations and Financial Affairs reported "Ought to pass" on Bill "An Act Providing a Bond Issue in the Amount of Two Hundred and Thirteen Thousand Dollars for Construction of Necessary Added Facilities at Camp Waban, York County" (H. P. 949) (L. D. 1227)

Mr. Martin from same Committee reported same on Bill "An Act Increasing Mileage Allowance for State Employees on State Business" (H. P. 308) (L. D. 395)

Mr. Berman from the Committee on Judiciary reported same on Bill "An Act relating to Husband

or Wife of the Accused as Witness in Criminal Cases" (H. P. 468) (L. D. 605)

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

The SPEAKER: The hour having arrived, the Chair now lays before the House the tabled and specially assigned matter, on page twelve of your House Advance Journal and Calendar, the special order of the day for 10:00 a.m.:

Majority Report (8) — "Ought not to pass" — Committee on Judiciary on Bill "An Act relating to Termination of Human Pregnancy by Therapeutic Abortion" (H. P. 602) (L. D. 783) and Minority Report (2) reporting "Ought to pass"

Pending question — Acceptance of either Report.

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

Mr. ROSS: Mr. Speaker, I move that we accept the Minority "Ought to pass" Report and would speak to my motion.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves that the House accept the Minority "Ought to pass" Report.

The gentleman may proceed.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Probably more has been written and said about this specific piece of legislation than any before us this session. Unfortunately it becomes an emotional issue and too often people get carried away. Now I certainly hope that this morning we can keep it in its proper perspective. I respect the beliefs of the opponents and I am sure that they respect ours.

Now I know that the opposition will stress all of the mail that they have received against this bill. I too have received a great deal of mail, and I will admit that much of it was not flattering. However, as the sponsor, in the final analysis I had more mail in favor of this than against it, and many of the letters told of actual experiences, vividly portraying tragedy and heartbreak. I have no intention of quoting from these to arouse your sympathy. There were many favorable articles, editorials and

other excerpts. I did not attempt to have these reproduced and distributed to your desks. Personally I am not in favor of this type of individual lobbying.

At the outset may I stress that we are not requiring anyone to do anything against their beliefs or wishes. We propose no new concept, only a change in the present law that has been in our area ten years before we became a state. In 1810 under Massachusetts case law, abortions were allowed if the mother's life was in danger; and when we became a state in 1820 we brought this law with us and it has been on our books ever since. For those of us who have said that this is going to come but we are not quite ready. I wonder how long we have to wait longer than one hundred and forty-nine years.

No, we are not proposing a revolutionary idea, just a revision or an extension of the present law to include permissible, not required, abortions if the mother's health will be seriously impaired, if the child will have grave and permanent physical deformity or mental retardation or if the pregnancy resulted from rape or incest. The proposal has built in it many safeguards but even so I suggested as a Committee amendment and I would hope to offer as a House amendment under filing H-325 even more safeguards which would cut down on the weeks of gestation from 26 to 20, which would put in a residency requirement of three months, which would spell out the make-up of the Abortion Review Committees and which would redefine accredited hospitals. Relative to this last point, hospitals, we must remember that no hospital is required to do this if it is against their principles.

Now those who favor this consider this legislation humanitarian and not a moral issue or based on any type of doctrine. The opponents will stress that no man has the right to take a life. No one will disagree with this principle. However, a very large segment of our society has been taught that the embryo or fetus is not a human being in the very early stages of pregnancy. Now I don't question

other Christian teachings and I am sure that they don't question ours; but furthermore this whole philosophy of the embryo being a human being has not always been so, it has changed over the years.

Centuries ago Saint Augustine maintained that the fetus was not human with a soul until after forty days for a male and eighty days for a female. This teaching was later revised in the thirteenth century by Saint Thomas Aquinas who suggested even a longer period. The whole subject was causing a great deal of dissension. So finally exactly one hundred years ago, in 1869, Pope Pius the Ninth decided to settle the issue and he proclaimed via a papal encyclical that the human soul was present at conception.

However, in all fairness we should look at the other side of morality. There are a great many persons who feel that it is extremely immoral to force a woman to carry to full term a fetus which was the result of rape or incest and they have sincere and deep convictions that this is destructive of her as a person. And they also believe that it is most immoral to force the damaged fetus itself to be born if there is no likelihood that it will ever develop into a full and useful human being.

Now what I don't understand is my respected opponents who are so violently opposed to abortions under any circumstances, and they contend or at least insinuate this is a new idea and also morally wrong, why don't they recommend doing away with the present law which makes abortions legal now but only for one specific reason?

In summary there are other aspects that I would just touch on briefly. There are thousands of illegal abortions held every year. It has been estimated that in the United States there are a million of these and by and large they are most dangerous. The present law as we have it in Maine discriminates against the poor because women have abortions now but only the wealthy can afford to go out of state and have safe, therapeutic abortions. The others are

forced to stay, suffer and take the chances.

Now in answer to those who say we are taking a life, I maintain that without this we are often destroying a life, not the embryo but some mature woman. Now I have no intention of lowering the moral standards of our State. Two years ago many questions were asked about the abuses that might happen but now they have this law in seven states and it is working well and in those states not all hospitals permit abortions, probably only one half of them do and many of the women who apply are turned down because the Hospital Committee does not term their reasons valid. However, for a great many women now there is finally a ray of hope in their time of genuine despair and I sincerely believe that we should do no less for the deserving women in our State of Maine. Thank you very much.

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

Mr. JALBERT: Mr. Speaker and Members of the House: As was said at the hearing no one questions the integrity and sincere thinking of the gentleman from Bath, Mr. Ross, and certainly I know no one does, at least I do not this morning. However, while millions of dollars are spent annually in this country in the forms of research and therapy to eradicate disease, man on the other hand is attempting to set himself up as prosecutor, jury, judge and executor. All this is being done with very little cost comparatively speaking. But it also appears that some people have doubts that the unborn fetus has constitutional rights or is a potential human being. If this country is ready to spend billions in an ABM system, why shouldn't we make this an "against-baby-mutilation" system and devote the sums to presently existing problems of disease, illness and poverty?

Ironically, man's sense of values has changed drastically throughout the years. Not too many years back one read that horse thieves were hanged. In 1969 a criminal

abortionist will pay a one thousand dollar fine.

I will never be convinced that medicine will be better because of the liberalization of this bill. There was a time when physical health of the mother was considered to be the prime reason. It would now appear that the mental health of the mother has caught up and surpassed the former reason to justify a therapeutic abortion. Statistics and numbers from all areas of this nation—as well as from all over the world—have been submitted. But I say that they will never justify taking the life of an innocent unborn child in the guise of doing better medicine. At this rate probably someone will submit a bill to do away with the crippled and the elderly.

Since when is the life of the mother more important, more valuable than the life of the fetus? While some people are busy working against capital punishment for a convicted and proven guilty individual, others are considering killing an innocent, living fetus—a human being.

It makes no difference in my opinion who the Board would be. It is my concentrated opinion that should someone for instance be convicted of rape on the testimony of a young lady or a woman, the abortion is performed. A few months after, the individual, the woman involved submits that she pointed the finger at the convicted to save her own honor. Then I, in my opinion, as one who would have voted for this bill would constitute myself to be part of a criminal act and certainly I want no part of that. Let us not make an abortion bill regardless of the three-month clause.

Mr. Speaker and members of the House, I now move for the indefinite postponement of this measure, all of its accompanying papers, and when the vote is taken I ask for the yeas and nays.

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

Mrs. LINCOLN: Mr. Speaker, Ladies and Gentlemen of the House: I am in favor of accepting the "ought to pass" report. People who oppose this bill fail to remind

themselves that the bill does not demand abortion no matter what the circumstances. This law would allow certain abortions under certain circumstances and even so the choice is strictly voluntary to be made by the woman on her own terms and according to the dictates of her own conscience. Let us remember that this bill is selective, it is optional and it is not compulsory. I will be very honest in saying that if I had been in one of these unfortunate situations and this law had been on the books I doubt very much if I would have taken advantage of it. However, I feel I should not deny that right to anyone else who so desires to have that right under the stipulated conditions.

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

Mrs. BAKER: Mr. Speaker and Members of the House: I wish to oppose the motion to indefinitely postpone this L. D. I would like to stress that there is widespread support for such legislation in this state. The health agencies support this, I would not say unanimously but very strongly. When this matter was before us two years ago I received a letter from a male High School teacher in my area and I think it covers the situation so well that I wish to read this letter to you. I think it is just as appropriate now as it was two years ago.

"I am writing this letter as an individual citizen. I belong to no group which is pressuring me to present the viewpoint of the group. However, as an individual, a teacher, and one who has done considerable study of the social sciences, I believe our laws on abortion, passed at a time when we were trying to increase our population, need changing.

"We must also remember that our present laws were passed at a time when medical science had no way of predicting the possibility of serious birth defects and when the operation inducing abortion was a very serious threat to the life of the patient.

"The argument that the embryo or early fetus is a life is rather specious, who would seriously

claim that this embryo or early fetus possesses a knowledge of life or a sense of identity?

"It is also rather illogical to argue that we have no right to terminate this purely biological life, since every time we order a bombing mission we in effect decide to terminate the lives of both bombing victims and crew members of the planes in unknown numbers, some of whom are almost certain to be as innocent as an embryo or a fetus. We justify this by believing that we are combating or removing a threat to the nation, the world or society.

"Why do we not have the same right to terminate the development of an unconscious embryo or fetus which responsible medical scientists or doctors have decided is a threat to the life, health or mental well-being of the mother? Not to mention the probable or possible menace or burden to a society which is approaching a population level which is a threat to the existence of mankind itself.

"For all of these reasons, I support the proposed measure before the legislature."

This year many people have been interested in this as two years ago and I wish to present a petition from clergy of the Unitarian Universalist Association, Northeast District. They advocate the right of persons to take all measures to insure the welfare and health of its prospective children. They recognize L. D. 783 as a step toward a greater liberation of the human spirit. The enclosed petition, signed by eleven clergymen, and these seven petitions are signed by citizens of the State of Maine and members of their church, and they number some sixty-three in addition to the eleven clergymen; and these come from the length and breadth of the State of Maine.

There is widespread support for this legislation and I urge you to vote against the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker and Members of the House: This very sad piece of legislation came be-

fore our Committee on Judiciary and some of us had to sit there and listen to it for the second time in a row. During the long, arduous hearing I thought of something that happened very recently that should make us give pause before we would put a Good Housekeeping seal of approval on therapeutic abortions in Maine.

For centuries man has looked at the skies and dreamers have dreamed of going to other planets, and within our lifetime, within the last year, three very brave and courageous Americans approached the moon, some quarter of a million miles away from earth. And as they were in their interplanetary mission these three Americans sent back a message to earth which I think is very relevant. They read from the very fine book and they read the story of Creation.

Now I think that life comes to us from a higher source, that the biology involved is not as important as the ultimate source of life itself, and I don't think that the State of Maine should permit therapeutic abortions. Now so far in this House we have heard arguments pro and con. I, fortunately, or I think unfortunately, have had some intimate knowledge of what goes on when this sort of thing can occur legally.

I recall a very lovely, gracious, sophisticated lady, who during the dark deep days of the Depression was unable to afford a child. Her husband was unemployed. At that time, in order to preserve her peace of mind, she had one of these so-called therapeutic abortions. She did not resort to any unsanitary situation. This lovely, sophisticated, gracious lady has been plagued with feelings of guilt all her life. She has unfortunately been forced to spend some time in and out of mental institutions and I am sure that if she had it to do over again she would not have had a therapeutic abortion.

Someone very close and very dear to me has been plagued with hard luck all during her married life. When her second child was born, the first one fell out of the baby chair and it was feared that she would have brain damage. When the third child was born, some time thereafter it was feared

that the child would not live. When she became pregnant a fourth time she begged her husband to allow her to have a therapeutic abortion. He was a very brave, he was a very courageous man, he said, "No," he said "The good Lord has given us the opportunity to become parents again and we are going to become parents again." They did, the child lived, and I can tell you today that that child is the apple of both her father's and mother's eye, and it is with great pride when I see the father and the mother taking that youngster by the hand and taking her to religious school.

So I therefore hope that you will vote along with the motion for indefinite postponement and I certainly hope that when the vote is taken it is taken by the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: I think that the gentleman from Bath, Mr. Ross correctly warned you when he suggested to you that the debate on this issue might get highly emotional, and I suppose that we could talk about the tragedy of a fourteen year old girl of substandard mentality, carrying the child as a result of an incestuous relationship. I suppose that we could get terribly emotional when we talk about the young girl, pregnant as a result of a criminal assault on her. But I don't think that is really the way to approach this legislation.

I think it is first of all important to remember that this bill would permit a therapeutic abortion only during the first trimester, that is the first three months of the pregnancy. I think it is important to remember that very stringent guidelines are set out in the legislation to protect and to prevent the State of Maine becoming an abortion mill, a suggestion that was made by one of the previous speakers. I think when a mother contacts rubeola or German measles during the first two or three months of her pregnancy, or is carrying the child as a result of criminal assault or as a result of an incestuous relationship, she and

she alone has the moral right to make the decision.

All of us are products of our religious background, but I suggest to you that the common thread running through every major religious faith in the world is the right to self determination—man's accountability in his own right to his own God. The one thing that concerns me about this is the discussion about taking a human life. I suggest to you that that argument is pure sophistry. The commonly accepted test in the law is whether or not the child or the fetus has quickened in the womb, whether or not the fetus is capable of an existence independent of its mother or the woman carrying it. And under this test, during the first three months, I know of no responsible medical authority which holds that a fetus during the first trimester of the pregnancy is capable of an independent existence. The real test is whether or not you, by your vote today, will allow those who have fallen on the very tragic experience described in this legislation, should be given the moral and ethical right to determine their destiny and that of a child who in this instance is the product of a criminal assault and an incestuous relationship or who may be severely mentally damaged by reason of such diseases as rubeola or German measles.

One of the most thoughtful letters that I have received as a legislator in my three terms here was written to me on this issue and I know that many of you have received letters, some of which have been prompted by organized campaigns and others which have been very thoughtful. And although the lady who wrote to me about this and suggested that I could use her name and read the letter to you, I am not going to. Suffice it to say that she is a member of a religious group which has taken a position against this legislation. She says that really the real questions, the moral question, is whether or not we in our wisdom as legislators are going to force on others who might not happen to agree with our moral view, our view of what is right and

wrong. I don't think we should make those decisions.

I think that we as a general principle and with regard to this legislation should sponsor, support and encourage the right of the individual involved to make the decision within the very narrow confines of this law.

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

Mrs. BROWN: Mr. Speaker and Ladies and Gentlemen of the House: I support liberalizing our abortion law. From all I have read and heard one must face the reality that although we have a law its narrowness denies women legal abortions, so they go on getting illegal ones. The law is flouted and it seems to me to keep these punitive laws is very wrong. I feel that the individual should have the right, guided by conscience and intelligence, to make the decision. What is important is that this is permissive legislation; no one is forced to have an abortion.

I too have received considerable mail on this subject, pro and con. I would like to tell you about two letters from the same person. The first emotionally pleads with me not to vote for this new liberalizing law, assuring me that even though one of her children is very mentally retarded that they love him and wouldn't consider not having him. Two weeks later I received a letter pleading for me to support the bond issue for Waban Camp for the mentally retarded children in York County, because it was so needed and had been such a help in taking care of her child.

This seems to me like a very strange paradox. I too am anguished by the hopelessness of the life of a child suffering from severe mental retardation and feel that we should do all we can to help. I worked for a year with children who had cerebral palsy, so I have quite an understanding of this. Likewise I think it is humanitarian to support this law liberalizing our abortion law, to allow medical techniques to help end the

burdens and grief of retarded and malformed children.

It must be obvious that most of the anti-abortion laws have been written by men. It seems to me the time is long since past when the deliberations or such laws shouldn't take this into consideration and along with this some understanding of the woman's anguish to an unwanted pregnancy.

I feel that we should deal with this forthrightly and not continue archaic and hypocritical concepts and statutes.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker and Members of the House: I rise in support of the motion of Mr. Jalbert from Lewiston that this be indefinitely postponed. I too have received a lot of mail. I have a folder right here; out of this whole folder only two letters favor this bill, the rest are opposed to it. I would like to read a letter that I received on this, and this I think is one of the better letters that I received.

It says—"Dear Mr. Dam: I am against the Abortion law because it attacks life. Our courts of law punishes anyone who even threatens a human life. Capital punishment is nearly a thing of the past, showing that we are reluctant to destroy the life of even the most terrible criminals.

"If we can destroy a living fetus because it might be imperfect, physically or mentally or because its life might cause a mental strain on the mother, then when will we pass a law which will allow us to put to death all those who become burdens to us through sickness, accidents and wars? Why not send a letter to the Pentagon, telling them not to send any imperfect soldiers back home for we surely know ahead of time that some will be physically and mentally disabled for the rest of their lives?

"Sure we know some babies will be imperfect. We can't kill them any more than we can those soldiers."

And for this reason and this letter alone, I will support the motion of Mr. Jalbert.

Now they say that this is permissive legislation. At the same time in future sessions the body here can pass a law saying—all right, this is permissive legislation, that when a person gets a certain age and they no longer can support themselves that we are going to pass this law that they can be eased out of the way. This is just the beginning, and therefore I hope this House will go along with the indefinite postponement motion.

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

Mr. MORESHEAD: Mr. Speaker and Members of the House: I rise this morning in support of the motion to indefinitely postpone this matter.

In Mr. Ross' presentation he made reference to the fact that there are differences in the religious teachings on the subject of whether or not the fetus is in fact a human being. I submit to you all this morning that irrespective of our religious teaching on this subject the crux of the matter is whether or not medically this fetus is in fact a human being, and during our hearings before the Judiciary Committee I made a point to ask every doctor who testified—and there were some 10 to 12 doctors that testified, I made a point to ask each doctor there whether or not this fetus up to four months or five months was in fact a human being or whether it was not a human being, and with the exception of one doctor these doctors stated that this fetus was in fact a human being, having all the attributes and all the characteristics of a human being. It is just that he had not fully grown and developed, but for all practical purposes he had what was necessary to classify this fetus to be a human being.

Now the test that Mr. Richardson has suggested we use this morning is the test that the one doctor who disagreed used. This was whether or not this fetus could live away from the mother, and I submit to you that this is a ridiculous test, and the doctors who testified that the fetus was a hu-

man being discarded this test, and I ask you how many infants who are born after full pregnancy could live without help from some source, either the mother or someone else?

So I just want to say that if you believe as not the majority but all but one of the doctors who testified before us, if you believe that this fetus is a human being, then the question this morning is whether or not we are going to pass legislation to allow us to take the life of a human being. And I think this is really the question that is before us. And it has also been pointed out as to what's wrong with it. Let the mother decide; who has more interest in this than the mother? Well I submit to you that there is someone who has more interest in this than the mother and that is this unborn human being. And who is to decide on his behalf whether he is to live or die? And I submit to you that this burden falls on our shoulders as society.

Are we going to pass legislation determining whether he lives or dies irrespective of whether or not he desires to live or die just because the mother wants this human being dead for her convenience? The proponents of this legislation have suggested that in instances of rape and incest it's a terrible burden on the mother to carry this unwanted child. Well I submit to you that this is a very rare instance, if a woman is raped or is the victim of incest, that a child is actually the result of this incestuous attack, or this rape. And by using this as your reason for voting for this today, I would say that you are allowing a number of innocent children to die just because perhaps occasionally a child is born as the result of rape or incest.

So I do hope that you all support Mr. Jalbert's motion this morning, and I not only hope that there will be a roll call vote, but I request a roll call vote on this.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I know of no bill which has caused more

soul searching in my own case. I am a member of a party, the great majority of which is opposed to it. The majority of my friends in that party are opposed to it. The majority of my constituents, I know, are opposed to this bill. My conclusion at this time — I'm not a medic, I am not a scientist; I try to be an amateur philosopher, and my conclusion at this time is that legislation like this needs more seasoning.

In this day of rapid development in science, in this day when religious traditions and dogmas are rapidly changing, as the Episcopal Church within the last year has come out for abortion, I find at this time under my total obligations that I will vote for the indefinite postponement of this bill.

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

Mr. CARRIER: Mr. Speaker and Ladies and Gentlemen of the House: I wish to support the motion for indefinite postponement for the following reasons: 23 months and 29 days ago, namely, on June 14, 1967, this House was faced with a similar abortion bill. On that day the members of the 103rd Legislature voted to indefinitely postpone. The vote was 90 to 39 to kill the bill.

At that time, I also wish to point out that the Judiciary Committee had reported the bill 6 to 4 "ought not to pass." Today, on a similar bill, we have an 8 to 2 Report from the Judiciary Committee that it "ought not to pass." This shows how much serious consideration this bill deserves.

L. D. 783 proposes the destruction of the unborn human life by abortion. I think that any permissiveness and determination of the existence of a living being only tends to weaken our overall estimation of the value of human life. A fetus is a living being and should be considered as such. It is my very strong belief that to allow this is morally wrong, and we should not allow anyone to do so.

Would you agree that we should destroy a genius, or a near genius, who has gone mental? Will you agree that we should destroy

mentally retarded or handicapped children? Would you agree that we should destroy older people who have become senile? Or would you allow this unborn child to be destroyed if it were your own?

Ask yourself and ask those who have abnormal children, "Do you love one of your children more than the other?" Would you cast aside your own abnormal child, or grandchild, or would you also agree to have him, or her, disposed because it is abnormal? If you did you would be guilty of the highest degree of murder, and no murderer would have to pay for themselves with their lives one way or the other.

A child, however defective, mentally or physically, has the right to live. The law provides and considers him a person with the rights of inheritance, the right to bring court suit for prenatal damages, and the right to receive blood transfusions to save his life, even if his mother believes otherwise. His right to live is paramount to any law of the land.

Most medical doctors that I have talked to are not in favor of this legislation. In their Hippocratic Oath which they take, it states, "I will not aid a woman to procure an abortion." The ethical physicians have observed this oath since 1400 B.C.

I think that this is probably a bill which the psychiatrists do like. In twenty years, I think roughly from 1943 to 1963, in the New York hospitals, the abortions for psychiatric reasons rose from 13% to 87½%. However, in 1966, in the three largest hospitals in this state, twelve abortions were performed and none refused on admissions of 33,455. The present law will take care of the justified abortions needed.

To eliminate the source of these defects, rather than murdering these children, should be our foremost concern today. Psychiatrists would have you believe, or would have us believe, that we should condemn 85% of the healthy, normal unborn to eliminate the possible 10 to 15% which might have a degree of defect. If this would have been applied years ago, many of us would not be here today.

Now let's consider rape. Rape as it stands is mostly alleged, not real. If it does occur that a woman is raped, by immediate treatment in most cases pregnancy can be eliminated. However, if the child is conceived in this manner, should he be punished by death when in most states the rapist is not?

Now as far as incest goes, the incest cases in this state are very few, and I only wish to say that you can ask any one lawyer in this House how many such cases he has had in his many years of practice.

I know that you are all familiar with the Declaration of Independence, which states, "We hold these truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness . . ."

I also wish to quote to you from the U. N. Declaration on Rights of the Child, which states in part, and they are referring to birth: "In the enactment of laws for this purpose, before and after birth, the best interest of the child shall be the paramount consideration."

I submit to you, Ladies and Gentlemen of this House, that we should protect the unborn child today by aborting this bill. I support the motion to indefinitely postpone.

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

Mr. SANTORO: Mr. Speaker and Ladies and Gentleman of the House: Life starts at conception; that's a statement.

I am speaking today in defense of the unborn baby. Modern science reveals that the fetus, even at 4 weeks, has a functioning, beating heart. By eight weeks the fetus has a central nervous system with definite muscles and nerves; has also an ingestive, a digestive, and an excretory system. You can see — as I have seen in the medical school, and in my practice — a definite developed cranium with brain cells. He will soon be able at this time to develop ears, nose, toes, fingers, arms, and in about two or three more weeks he will begin to move his body inside the uterus, bend-

ing forward his head. Now, who in this House has the right to tell me that such fetus at 13 weeks to 15 weeks is not a live baby? And here we are congregating every morning and praying to God to illuminate us in our position; we are congregated today to do just the opposite and try not to work for life, but to work for death. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Owls Head, Mr. MacPhail.

Mr. MacPHAIL: Mr. Speaker and Ladies and Gentlemen of the House: This discussion brings to my mind two incidents I'd like to relate. I can recall some years ago in the City of Bath—it just so happened I went into a house—and there on the kitchen floor was a young girl of sixteen years of age with no more capabilities, no more mentality than she had at one month. I don't know whether she is alive today or not, but I do know that she was of no value, shall we say, to community.

The other one is near home, in the City of Rockland. I can recall a male born who died of cancer at the age of 19, who never walked, never sat up, never talked, and had to be cared for just the same as the new born babe.

These are some of the things that could well be eliminated by this bill. We have many institutions in the state caring for retarded children, retardees who will never contribute anything to the economy of the state, which is costing the taxpayers millions of dollars a year, and I favor the substitution of commonsense for emotion, and I would hope that this motion to indefinitely postpone will be defeated.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. Corson.

Mr. CORSON: Mr. Speaker and Ladies and Gentlemen of the House: I'd like to quote to you an item in the Bangor Daily News, dated May 14, 1969, entitled, "MMA Poll Favors Abortion Bill".

"Of 556 doctor-members of the Maine Medical Association who were polled on their feelings towards the pending bill on therapeutic abortion, 440 have voted for

changes advocated in the bill, while 116 are opposed."

And a poll of Cumberland County MMA Members showed 146 favoring L. D. 783 and 38 opposed.

It would seem that the overwhelming sentiment among doctors is that this is a logical and needed bill.

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

Mrs. CUMMINGS: Mr. Speaker and Members of the House: I agree with the gentleman from Cumberland, Mr. Richardson, that this should be discussed without emotion. But as the mother of three daughters, I find it very difficult to approach this bill with anything other than very strong emotion.

My daughters have many friends. They come to our house. I know many of them very well, and I can't imagine anything more devastating than watching any one of these delightful, fresh, young women carrying a baby who not only is not wanted but whose growing presence may indelibly impress upon her mind and psyche an awful experience, one that it would be much better for her to forget as soon as possible.

On the other hand, my daughter is pregnant. I am about to be a grandmother for the first time, and I again can imagine nothing worse than watching that young family having to take care of a defective child that could have been removed before it caused the emotional and financial burdens that it might if became born a defective child.

I would like to see this motion passed.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Lawry.

Mr. LAWRY: Mr. Speaker and Ladies and Gentlemen of the House: I had not intended to speak on this piece of legislation today, but there have been some things said that have not only helped me make up my mind, which was not 100 percent, but I must say one thing: I do not consider this a sad piece of legislation, as a gentleman referred to it, but rather I call it a piece of legislation that has to do with sadness.

I am going to vote for the motion to indefinitely postpone, and my decision was further strengthened by two remarks made by one of the persons who spoke on it. Number one: permissive legislation. This is my first term, but every time I hear that word, it puts me on guard. And number two, the same gentle lady, I believe said that the person should have the right to terminate an unwanted pregnancy. This goes beyond the bill, and this is what I can see coming on as time does go on.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker and Members of the House: I won't take too much of the House's time but I do want to quote from the horse blanket of March 4, 1969, where a gentleman presented an order. The Chair recognized the gentleman, and then the gentleman proceeded, and he says: "Mr. Speaker and Members of the House: As president of the Pine Tree Society for Crippled Children and Adults, it gives me a great deal of pleasure this morning to introduce to the House the 1969 Easter Seal boy from Maine. You will see him tonight on all of the major TV stations with the Governor and six major weather men from the State of Maine. His name is Robert Hornstein, age thirteen this month. He is the son of Dr. and Mrs. Lewis Hornstein of Skowhegan. He was handicapped with a crippling condition of his legs since birth, but through therapy and hard work and determination and perseverance he is now able to function independently.

Bob is a very good example of how a crippled child can progress and lead a normal life. He is a very bright eager young man who now enjoys participation with his many friends."

The gentleman who introduced that order was also the gentleman who introduced the abortion bill, Mr. Ross of Bath.

The SPEAKER: The Chair recognizes the gentleman from Southwest Harbor, Mr. Benson.

Mr. BENSON: Mr. Speaker and Members of the House: It has become indelibly clear to me that we

cannot determine by medical means when life begins. Therefore, we will have to resort to the philosophy, an individual philosophy, one that is acceptable to each of us individually.

I don't hope to change a single vote in this House. When this was discussed two years ago I must admit that I had some reservations about the therapeutic abortion bill. I have talked to a number of people, people that I consider to be knowledgeable in this area, many of them women, and I must admit I enjoyed that and among them, of course, my wife, and I have been convinced beyond any doubt that there is a very basic need for a therapeutic abortion bill.

I would urge you to vote against the motion of the gentleman from Lewiston, Mr. Jalbert, to indefinitely postpone. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: I have listened to the pathos and emotion displayed here in various speeches this morning. I will attempt to present a different picture than what has been presented here this morning.

I am wondering how many of you have a knowledge of these abortion mills that are traveling throughout the country. None of them that have ever been apprehended ever have any scientific degree of any kind. They have signs and paraphernalia that they will display in some decrepit housing area which are not clear.

Overnight these people can come in and for \$500 to \$1000 per female they will perform illegal abortions. Once they have performed the act, that is the end of their responsibility.

Now comes our next picture on this thing: you answer an alarm that is turned in by a neighbor, an anonymous phone call, or something else, that there is a woman in the hallway hemorrhaging. When you arrive there you find a young female—the marital status doesn't matter — she is hemorrhaging and hemorrhaging badly. This person is taken to a hospital

by the police and committed under their jurisdiction for treatment. There is no other responsible person available.

Now when you get down to investigating, if the girl survives and you try to find out and get a definite statement from her on how and when and where this took place, you can never get a definite statement that can be presented in court.

The purpose is that they contact or they walk around through a neighborhood—generally in poverty areas—they find out that there are people around and they pass the word around—it gets around—that there are people around that will perform these abortions, and they never spend over two days in any one given area. They have their henchmen go ahead, so - called pimps, who go into the next city and town and circulate around and pass the word around, and there is always some female that wants to be relieved and the price is set, clandestine arrangements made, they are conducted to the place, in a closed taxi with the curtains drawn.

This goes on and on and on simply because there is no way that the average female who is pregnant can find a way out of her dilemma.

Now there is also another thing that is occurring, and that is the wire catheter which can be bought in any drug store fifty cents to a dollar. Somebody will give the girl instructions on how to use this catheter. She attempts to do so, and in the use of this wire-lined catheter, it may be unsanitary, there may be germs on it, it can be anything—it strictly is not scientific.

When this female person uses this catheter she has no knowledge of what she is doing or how to do it. Again we have the picture of a quick emergency run for a hemorrhaging female; the same procedure. Sometimes these females die before they arrive at a hospital. They go on the police blotter as a DOA—dead on arrival.

On this blood poisoning that is set up and a person dies, there is immediately a hue and cry pre-

sent to the police department on what are the police doing to stop this thing. We have no knowledge, or there was no way—there is no way, of knowing who the pregnant females are in any given area, or whether they intend to perform an abortion through fear, scare—there are multiple reasons.

I would inquire of the Speaker if this House Amendment "A" to House Paper 602, L. D. 783 has been presented for adoption this morning?

The SPEAKER: The Chair would advise the gentleman that there are no amendments pending, that the bill would have to be in its third reading prior to the offering of any amendment.

Mr. MILLS: At the present time, Mr. Speaker, until this bill is presented, or this amendment is presented, which I think will encompass the situation very thoroughly, I will vote against the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Like my colleague from Fairfield, I did not intend to speak on this bill. I merely rise to bring a few facts to some of those who might be still in a quandry as to their position on this bill.

Number one, I am a trustee of a hospital, about to become a trustee of a larger hospital, and I have had no stampede of doctors running to me on this bill, pro or con. As a matter of fact, I have not received one letter from any one of my doctors.

Number two, I am a patron of St. Andre's Home in Biddeford. I have been closely associated in getting a number of adoptions for young couples in my area, and in some of these cases I am sure that they perhaps might have been rape cases, and some of these children are some of the finest children you have ever seen in your life.

Number three, I am the president of the Waban Association for Retarded Children in York County, and I have had mothers come to me at my house with vegetables draped over their arms, and we by carefully nurturing these chil-

dren at our camp, both in therapeutic water work and in other fields of therapy, some of these children are crawling and looking fairly well.

Number four, I was the motivating spirit in the State of Maine of bringing to the attention of the medical profession that the PKU test ought to be introduced. For those of you who are not familiar with this, the PKU test can determine at the time of birth by the diaper test whether there is any brain damage—or prior to birth—whether there is any brain damage. And we can—and I am sure that the doctor in the House might agree with me—by diet and other means of treatment, perhaps avoid mental retardation.

These are some of the facts in the case. I myself have been searching my conscience and my soul as to which way to vote on this. My very dear friend, Mr. Ross, is a close friend of mine. I have every reason to believe he is a man of high integrity, and I know he is absolutely sincere in presenting this legislation.

Since the time of man, before the Old Testament and the New Testament, men have been searching themselves as to where their decision begins and where it ends. I myself happen to believe that there is something beyond this; that the Great Architect of the universe has something in mind. And I believe, in some of these cases of birth, and some of these deformities at birth, and some of these wrongs, medical science has been able to advance through the ages and bring to us a position today where we are one of the outstanding nations in the world in the medical profession.

There are many reasons that might make you make your decision in this case. I am just merely bringing some of the technical things to your mind. I have been associated in this field for ten years and at one time I picked up a book written by one of the most eminent men in the world—in my feelings one of the most eminent men in the world, Dr. Schweitzer. He wrote a book called "Every Living Thing." Here was a man that gave 90 years of his life since the day he was born in

the service of mankind and woman-kind. He was a man of great compassion, a man of love, a man whose philosophy was for the living being all the way through. He would not even kill a fly.

In all his work through Africa, he nurtured and he carefully worked with the sick, the maimed and everybody that lived and everything that lived. I have learned to love this philosophy. I believe in it. Sometimes I think my point, and I carry it too far; but if so I do, I live with myself in conscience that I believe that there is something over and beyond and no man can take into his mind or his conscience, fooling with the greatest thing in the world, life itself. Thank you.

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

Mr. BRENNAN: Mr. Speaker, Ladies and Gentlemen of the House: In line with what Mr. Dam of Skowhegan said as to the likelihood of a bill being introduced in a future session, possibly asking for the authority to terminate a life when that person is suffering from a terminal illness, I recently read where a bill of that nature has been introduced in the House of Commons in England, asking for just such authority in certain cases. The bill as I recalled received at least initial approval. I think passage of this bill would be a foot in the door for presentation of a euthanasia measure in some future legislature. And for that and other reasons I support the motion of Mr. Jalbert to indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Meisner.

Mr. MEISNER: Mr. Speaker, Ladies and Gentlemen of the House: I have lost a good deal of sleep over this bill and my doctor says I should have plenty of sleep. One of those bills, I think, when you think of it seriously, it will keep you awake. I don't intend to make any extended speech. I regret the extended time that this bill has taken this morning and the amount of emotion that has crept into it. I think this is the most perhaps soul-searching question that has

come before us or will come before us in this Legislature. I think it is a bill, a question that each one of us must decide for ourselves.

I listened very attentively to the arguments on both sides of the question. I have my feelings, call them religious feelings if you will, although I am not tied to any church or denomination that is sponsoring this bill one way or the other. And then I have other feelings. I go into homes where my heart is pained for parents and for children. I have often talked with the Superintendent of our hospital. I was a trustee for many years. I have talked about these children that are born into the world, and they have been spoken of this morning, and I have thought wouldn't it have been much better if they had not been born. And yet, on the other hand, who am I to say that they should not have been born?

My mind has not been changed, has not been settled by anything that has been said here this morning. And I shall have to vote according to my own conscience when the time comes. I am not going to try to persuade anyone in this House. I think it is a real matter of conscience that when you vote you will have to decide for yourself as I will have to.

The SPEAKER: The Chair recognizes the gentleman from Eliot, Mr. Hichens.

Mr. HICHENS: Mr. Speaker and Ladies and Gentlemen of the House: I stand this morning in support of the motion to indefinitely postpone this bill.

There are no accurate or reliable statistics to substantiate the erroneous premise that abortion will reduce the incidence of mental illness. In fact, quite the converse is probably true, that the addition of guilt feelings associated with abortion may only serve to accentuate and trigger severe mental disease.

A recent New York City survey by the National Opinion Research Center, shows that it appears that the upper and middle class who can be aborted for a fee have even a higher incidence of mental ill-

ness than the poor charity patients who frequently are not in a position financially to obtain an abortion.

It is therefore difficult to reconcile this fact with the claims made by the proponents of the abortion law that this law will reduce the incidence of mental illness.

As far as abnormal children resulting from German measles in the mother during pregnancy, there are no accurate nor valid statistics. We are all aware of outrageously false claims that 80 per cent of children born of mothers who had contracted German measles during pregnancy have been born defective. If the truth were known, it would probably be in the vicinity of 14 to 15 per cent.

We are aware that research is now in progress to develop a German measles vaccine which should eliminate this argument. This vaccine is nearly ready to be available in the very near future according to reports published in the papers this week. We should get to the source of the troubles such as the disease similar to German measles, such as liquor, rape, incest and even the pill which causes deafness, blindness and deformities. Both Dr. Young of the Baxter School and Dr. Schumacher have told me that they feel that in ten years our hospitals will be filled with children suffering with the above afflictions because of the pill and drugs such as are being used today.

An ounce of prevention is worth a pound of cure. I ask you to support the motion to indefinitely postpone and head in the right direction.

The SPEAKER: The Chair recognizes the gentlewoman from Falmouth, Mrs. Payson.

Mrs. PAYSON: Mr. Speaker and Members of the House: I rise to support the gentleman from Bath, Mr. Ross. I suggest that we look at the broad picture in an objective manner. In an article which appeared January 21, 1969 in Look Magazine written by Lawrence Lader, an historian and specialist in population problems who teaches at New York University, we find stated by him that an estimated one million women a year are de-

nied by law the right to hospital abortion. This is one out of every 200 people in the United States who is forced, if action is wanted, to break the laws of the land. To quote from Mr. Lader's article: "About 8,000 women, a tiny privileged class, manage to arrange for hospital or therapeutic abortions every year. But the great majority must seek 'underworld' abortions from hacks, medical butchers or midwives with very little or no gynecological training, or resort to the even more drastic recourse to self-abortion by deadly chemicals and homemade instruments."

This is a humanitarian bill which deserves your support. I hope that you will vote against the motion to indefinitely postpone. Thank you.

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

Mr. EUSTIS: Mr. Speaker and Members of the House: I found him in the shining of the stars; I marked him in the flowering of the fields; but in his way with men I found him not. There is but one bridge to cross this gap, with humility and faith. The divine spark which we are endowed with which we call conscience has to give us the answers and I believe the answer here will lie in the individual conscience of every person in this House. Thank you.

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

Mr. BERNIER: Mr. Speaker and Members of the House: I am a little bit appalled today by this discussion to see that we dare discuss whether we play God or not. God is the only one who has the right to say who lives and who dies. It seems to me I can recall not too long ago, at least it doesn't seem too long ago to me, that a certain nation had that same idea. They were going to build a super race. They were going to conquer the world. They decided who would live and who would die. The only trouble with their plan was that they did not know where to stop. They got into the habit of killing and they decided that they would eliminate a complete race, six million people. Think that over.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: The debate on this issue this morning is gratifying in the sense that we here as members of the House of Representatives have had an opportunity to reflect and to express to each other our feelings toward a document which up to this day the medical profession, in all its wisdom and all the number of years, have not been able to come up with a complete and conclusive answer as to whether there is absolute life at thirty days or at thirty years.

Many of you over the years in your married life and your family life have probably had excuses to feel that you were carrying one of the biggest burdens in life. You might have carried that burden with anguish; you might have carried that burden thinking that the rest of the world had left you. How many of you in this House this morning, if you would think back at the time that you were born, had there been such a law on the books, how many of you might not be here in this House for the reason that somebody thought that you might not be a perfect baby at birth, either through physical defects or mental defects. As was indicated many times this morning in the House the conscience of the individual will always be the guide as to whether a thing is right or wrong.

The day may come when medical research, medical knowledge, will be able to tell the rest of the world conclusively and beyond any doubt as to whether a fetus will be mentally less than normal or physically less than normal at a very early stage in life. Until that day comes I think you and I will go along with the philosophy that nobody goes through life without carrying some kind of burden of one sort or another. So therefore I feel that if a burden of a mental disability at birth is the willingness of God and the willingness of married life, then this is one of the burdens that one has to accept in life and I don't think that we as individuals have got the right to change that.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Fortier.

Mr. FORTIER: Mr. Speaker and Members of the House: We have been told this morning that this was an emotional question, that it is so we cannot ignore. I do not believe for a moment that I can add or detract from anything that has been said here this morning. I doubt very much if there has been a single vote changed. But I think it almost my duty to tell you a personal experience, personal at least to the extent that I was told so.

Three different doctors advised my mother and father that I could not possibly live beyond the age of three. I never walked until I was seven years of age. I attended school for the first time at the age of seven by being taken to school and back home in a baby carriage by my eldest sister. Some people might even say that if these laws had been enforced at that time that it might have been a good riddance. I do not agree with them, and thank the good Lord that these laws were not in force at the time.

The SPEAKER: The pending question is on the motion of Mr. Jalbert that both Reports and Bill be indefinitely postponed. The same gentleman moves that when the vote is taken it be taken by the yeas and nays. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All of those desiring a roll call vote will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

More than one fifth having expressed the desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that both Reports and Bill "An Act relating to Termination of Human Pregnancy by Therapeutic Abortion," House Paper 602, L. D. 783, be indefinitely postponed. If you are in favor of the motion you will vote yes; if you

are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Barnes, Bedard, Berman, Bernier, Binnette, Birt, Boudreau, Bourgoin, Brennan, Carey, Carrier, Carter, Casey, Chick, Coffey, Cote, Cottrell, Couture, Cox, Croteau, Curran, Curtis, D'Alfonso, Dam, Drigotas, Dudley, Emery, Eustis, Fecteau, Fortier, A. J.; Fortier, M.; Fraser, Gauthier, Gilbert, Giroux, Good, Hanson, Harriman, Hawkens, Heselton, Hewes, Hichens, Hunter, Jalbert, Jameson, Jutras, Kelleher, Keyte, Kilroy, Laberge, Lawry, Lebel, Lee, LePage, Levesque, Martin, McKinnon, McNally, McTeague, Meisner, Moreshead, Morgan, Mosher, Nadeau, Ouellette, Richardson, G. A.; Ricker, Rocheleau, Sahagian, Santoro, Sheltra, Soulas, Starbird, Temple, Trask, Tyndale, Watson, Wheeler, White, Williams.

NAY — Allen, Baker, Benson, Bragdon, Brown, Buckley, Bunker, Burnham, Chandler, Clark, C. H.; Clark, H. G.; Corson, Crommett, Crosby, Cummings, Cushing, Dennett, Donaghy, Durgin, Dyar, Erickson, Evans, Farnham, Finemore, Foster, Hall, Hardy, Haskell, Henley, Huber, Immonen, Johnston, Kelley, K. F.; Kelley, R. P.; Leibowitz, Lewin, Lewis, Lincoln, Lund, MacPhail, Marquis, Marsteller, Millett, Mills, Mitchell, Norris Noyes, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, H. L.; Rideout, Ross, Scott, C. F.; Scott, G. W.; Shaw, Snow, Stillings, Susi, Thompson, Vincent, Waxman, Wood.

ABSENT — Danton, Faucher, Tanguay, Wight.

Yes, 80; No, 66; Absent, 4.

The SPEAKER: Eighty having voted in the affirmative and sixty-six in the negative, the motion does prevail.

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

Mr. JALBERT: Mr. Speaker, I now move that we reconsider our action whereby this bill was indefinitely postponed, and when you vote, vote against my motion.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, now moves that the House reconsider its action whereby this bill was in-

definitely postponed. All in favor will say yes; those opposed will say no.

A viva voce vote being taken, the motion to reconsider did not prevail.

Sent to the Senate.

The SPEAKER: The Clerk will proceed in the regular order of business.

Ought to Pass (Cont'd.)

Mr. Cote from the Committee on Legal Affairs reported "Ought to pass" on Bill "An Act relating to Sick Leave under Lewiston City Charter" (H. P. 1160) (L. D. 1481).

Mr. Cushing from same Committee reported same on Bill "An Act Increasing Salary of Selectmen of Town of Mount Desert" (H. P. 1110) (L. D. 1431).

Mr. Norris from same Committee reported same on Bill "An Act Reallocating Certain Bond Issue Funds for Norridgewock Airport" (H. P. 939) (L. D. 1200).

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

Ought to Pass with Committee Amendment

Mr. Benson from the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds to Expand Home-maker Services in the Department of Health and Welfare" (H. P. 539) (L. D. 718) reported "Ought to pass" as amended by Committee Amendment "A" (H-321) submitted therewith.

Mr. Berman from the Committee on Judiciary on Bill "An Act to Clarify the State Records Law" (H. P. 991) (L. D. 1275) reported "Ought to pass" as amended by Committee Amendment "A" (H-322) submitted therewith.

Mr. Hewes from same Committee on Bill "An Act relating to Arrest of Parole Violators" (H. P. 469) (L. D. 606) reported "Ought to pass" as amended by Committee Amendment "A" (H-323) submitted therewith.

Same gentleman from same Committee on Bill "An Act relating to the State Probation and Parole Board" (H. P. 993) (L. D. 1277) reported "Ought to pass" as

amended by Committee Amendment "A" (H-324) submitted therewith.

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

Divided Report Tabled and Assigned

Majority Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act to Authorize Municipalities to Incorporate by Reference the Provisions of Nationally Known Technical Codes Prepared by State or Regional Agencies" (H. P. 607) (L. D. 788)

Report was signed by the following members:

Mr.	KELLAM	of Cumberland
		— of the Senate.
Messrs.	COTE	of Lewiston
	NORRIS	of Brewer
Mrs.	WHEELER	of Portland
Messrs.	COX	of Bangor
	SHAW	of Chelsea
		— of the House.

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

Report was signed by the following members:

Messrs.	TANOUS	of Penobscot
	CONLEY	of Cumberland
		— of the Senate.
Mrs.	BAKER	of Orrington
Mr.	CUSHING	of Bucksport
		— of the House.

Reports were read.

(On motion of Mr. Heselton of Gardiner, tabled pending acceptance of either Report and specially assigned for tomorrow.)

Third Reader

Tabled and Assigned

Bill "An Act relating to Agricultural Roads" (S. P. 403) (L. D. 1355)

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

(On motion of Mr. Gilbert of Turner, tabled pending passage to be engrossed and specially assigned for tomorrow.)

Passed to Be Engrossed

Bill "An Act Amending the Municipal, Industrial and Recrea-

tional Obligations Act" (H. P. 599) (L. D. 780)

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

Third Reader Tabled and Assigned

Bill "An Act Providing for Implied Consent Law for Operators of Motor Vehicles" (H. P. 1030) (L. D. 1339)

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

Mr. Birt of East Millinocket offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-327) was read by the Clerk.

The Chair recognizes the gentleman from Bangor, Mr. Soulas.

Mr. SOULAS: Mr. Speaker, I have just received House Amendment "A" and I would just like to read the second page of it, and it states:

"Further amend said Bill in paragraph B of subsection 11 of that part designated 1312 of section 1 by striking out in the 11th, 15th, 23rd, 28th, 36th, 45th, 54th and 55th and 58 lines (9th, 12th, 18th, 21st, 28th, 35th, 42nd and 45th lines)."

Gosh. I'd probably need a computer to figure this out. I would hope somebody would table this bill for one day until I get a chance to read this.

Thereupon, on motion of Mr. Norris of Brewer, tabled pending the adoption of House Amendment "A" and specially assigned for tomorrow.

Bill "An Act Revising the Laws Relating to Physicians and Surgeons" (H. P. 1188) (L. D. 1507)

Bill "An Act to Provide Controlled Sale of Alcoholic Beverages by Catering at Events and Gatherings" (H. P. 1189) (L. D. 1508)

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

Amended Bill Tabled and Assigned

Bill "An Act to Authorize Bond Issues in the Amount of \$9,800,000

to Provide Funds for School Building Construction under the Provisions of Section 3457 and Section 3459 of Title 20, R. S. and \$800,000 to Provide Funds for the Construction of Regional Technical and Vocational Centers under the Provisions of Section 2356-B of Title 20, R. S." (H. P. 402) (L. D. 513)

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

(On motion of Mr. Hewes of Cape Elizabeth, tabled pending passage to be engrossed and specially assigned for tomorrow.)

Passed to Be Enacted Emergency Measure

An Act relating to Contracts between University of Maine and Town of Orono for Sewer Charges (H. P. 1134) (L. D. 1460)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Finally Passed Constitutional Amendment

Resolve Proposing an Amendment to the Constitution Pledging Credit of State and Providing for the Issuance of Bonds Not Exceeding at Any One Time Issued and Outstanding, Twenty-five Million Dollars for Loans to Private Colleges for Construction and Expansion of Facilities (S. P. 261) (L. D. 865)

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

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

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: This is a bond issue or a Constitutional Amendment which would require a two-thirds vote of the House. I think that this is a particular bill that we have got to give a lot of thought to this morning.

We have a large number of bond issues presently before this Legislature, some of which are of paramount importance, and we have got to give top consideration to.

The passage of a bill of this type, although it will not require any borrowing from the state, it will still pledge the state's indebtedness, and we are finding also that this is climbing at a very rapid rate. Our prime responsibility, it would appear to me, is to our public institutions both at the secondary, elementary and post secondary levels.

This bill was before us two years ago and had a good deal of discussion at that time. One of the major opponents at that time was the gentleman who sat directly behind me, Representative Pike. He was quite disturbed at that time, I've gone over a good deal of the material that he spoke on the Floor. It followed pretty much the same parallel that we are faced with today: The tremendous number of bonds that we have before the Legislature, a consideration of all of them before we get involved into legislation of this type, the fact that the private institutions do have other sources of fund raising which is not available to the public institutions, the possibility that the passage of legislation of this type would cause these sources to lay back and not make their efforts in the area of private institutions but direct their requests of one sort or another into other areas. All of these factors indicated that the passage of this would not be wise at this time. I think the situation is certainly no better, and from looking at the proliferation of bonds that we presently have before the Appropriations Committee it would appear to me that we are not in as good shape this year as we even were two years ago.

With these thoughts in mind, I would hope that when the vote is taken you will vote against the enactment of this legislation.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Haskell.

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen of the House: I have been in a quandry as to know at what point the rug

was going to be pulled out from under, and apparently the point has finally arrived. I would like to make one fact quite clear to the House—it is this. For the first time the educational establishment, which I would describe as those in the state concerned with and primarily sympathetic to public higher education, for the first time in this bill they are faced with something that unfortunately they regard as a threat to the present monopolating position which they enjoy with respect to state funds in the higher education field. It is interesting to note that the opposition from the establishment never appears at the hearing, it never appears in debate in the House, but at some crucial point in passage of legislation which would enable this, the rug is very definitely pulled out from under. I think we have arrived at this point this morning.

I gave very carefully, a week ago in debate, the reasons for the passage of this act. Mr. Birt suggested that private institutions have means of fund raising not available to the public. I wish he would point one out. On the other hand the public institution does enjoy a distinct advantage in the field of higher education in having access to the public purse.

The thing that we're concerned with here is nothing more or less than allowing the private institutions to take advantage of the fact that because the bonds issued are guaranteed by the state, enjoy tax-exempt status, the bond interest rates are substantially lower. If this were not a fact, the private institutions certainly would not be seeking this avenue of financing. But there is a very substantial difference in the interest rates of tax-exempt instruments over the rates that must be paid by the private institutions as they borrow in the open market.

The point that I tried to make very firmly in the House a week ago was the fact that it is very definitely in the interest of the State of Maine to encourage and to foster the growth in the private area, and I certainly hope that the House will not be persuaded

by this last minute attempt to defeat this very necessary piece of legislation.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Susi.

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: I have been a consistent supporter of public education at the higher levels, and I intend to continue to be. But I think it has become quite evident to us that to attempt to educate the number of younger people in our state who want to go on to higher education exclusively by expanding our public schools is fast reaching the point where it is practically impossible.

I think that in this bill we have an opportunity to give a little encouragement to private schools who are picking up part of the load now. This bill isn't that difficult for us to meet. It isn't going to put that much burden on the state. I think it can make a real contribution, pointed out in earlier debate on this bill that our costs, our annual costs per capita for students going to our state university, is somewhere in the range of a couple thousand dollars per year. This adds up to real money which is most evident to us here in the amounts that we are appropriating each session for our state university. I'm not talking against the state university; as I said earlier, I will continue to support it, but I think it is almost becoming more than the university alone can accomplish. I would hope that you would continue to go along with this bill and give some slight encouragement to private higher education so that it can pick up some of the load at a lesser cost to us. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker and Members of the House: This I find to be a very difficult question to vote on because the idea is certainly attractive and appealing to give this support to the private colleges, which will not will save us money but also perform a great public function.

But what I don't have clear, and what I wish someone would clear up for me, is if the interest rates are lower if the state does the borrowing, or if they use the credit of the state, I assume there is a reason for it. Perhaps the reasons in the taxability of the interest on the bonds, I don't know. But I would ask the question, in the event the state guarantees these loans, and for any reason the private institution is unable to repay them, so the state is on the hook to pay them, what protection, if any, in the nature of a mortgage or any other type protection, does the state have?

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Haskell.

Mr. HASKELL: Mr. Speaker, I understand that the question was perhaps directed to me. There are two pieces of legislation involved here. This piece of legislation allows us to go to the voters as a Constitutional amendment. There is an accompanying bill which sets us the authority which administers the mechanics of making the loans to the colleges and establishes the authority that screens the loans. And the point which Mr. McTeague seems concerned with, the recourse that the state might have, certainly the accompanying bill would be subject to any amendment that seems desirable to the House or to the Senate.

I do want to emphasize again that this piece of legislation we're concerned with this morning is simply to allow this to go to the voters for Constitutional amendment. The bill which establishes the authority that administers the loans is an accompanying bill which, for some reason unknown to me, still is not out of committee.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: Reference has been made to the position taken on similar legislation in the last session by the gentleman from Lubec, Mr. Pike. Those of you who were here and served with that gentleman know that he was a gentleman of wit,

candor, wisdom, and by all odds in my tenure in this Legislature I think he is the most highly respected legislator who ever served here and certainly one of the most knowledgeable. But I am inclined to believe that if he were here today, and if we were discussing this same issue, one of the principal things that bothered him, bothered me, during the last session was that the state had no recourse in the event of default.

Now I believe that the enabling legislation which will follow this should and will provide for recourse to the state in the event that there is a default. I say that that event is a most unlikely one.

It is good business for us to sponsor and encourage and foster private education. It is good business for us to recognize that the private colleges and schools have a very important role to play in the education of our young people. To the argument that this is favoring out-of-state kids who are by implication rich, I say that it just doesn't follow. I think that a meaningful educational experience in Maine is one of the finest things that can happen to anybody and if they have the poor judgement to leave Maine they're the losers, not we.

I think that we should support this bill. I am very hopeful, certainly it is not a party issue. I hate to be on the differing side of the fence from my friend from East Millinocket, Mr. Birt, but I think that with recourse, I think we have the building guaranteed to protect ourselves.

Now in his opening message to the Legislature, the Governor indicated that from a bonding point of view the State of Maine is in a very very strong position, and while I don't agree with the Chief Executive on the extent to which we should extend our bonding, I certainly do agree that our bonding picture is essentially a pretty good one and this business of our bonded indebtedness getting too high I think, particularly with reference to legislation like this, is not a very persuasive argument.

I hope that you will vote for this bill, it is an important piece of legislation to the educational pic-

ture in Maine and it is the kind of private education bill that I think we should sponsor.

The SPEAKER: The Chair recognizes the gentleman from Monmouth, Mr. Chick.

Mr. CHICK: Mr. Speaker and Members of the House: I want to arise in support of this measure. I feel that by passing this legislation it will enable the private colleges to perhaps increase their building capacity so as to take in more pupils and thus take the burden off from the State in perhaps building as many other schools at our public schools in the future.

Now I think there is another point too that hasn't been brought out, I think we all know that there is substantial difference in the amount of tuition that is charged at the private schools and in the public schools. Now if we pass this bill and allow the colleges to borrow through this method, they will be able to save it is estimated from two to three per cent on the borrowing of the funds for building, and this alone would tend to reflect in the tuition cost to the students attending those institutions.

So I think that in the long run we not only will be encouraging them to expand, but hopefully I make the tuition charges more in line with what we have at our University of Maine at the present time. I think it is good legislation and I hope the House will support it.

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

Mr. HENLEY: Mr. Speaker and Members of the House: I am going to speak very briefly on this. I think that we have come to the time of year when a lot of very worthy projects are going to be hurt. I don't have too much fault with the bill and its concept. I perhaps disagree with my friend from Cumberland, Mr. Richardson. I feel that we can carry this thing too far, of guaranteeing loans; I have felt so right along. I feel that we must establish priorities and we are going to this time of year. We cannot possibly I feel, in a solvent way, back up all the bond

issues which we are asked to support this year.

I recall — I came from quite a poor family in the country, and I recall as we youngsters were growing up we had to take turns with new things because there just wasn't money, and I feel that a good many worthy issues just cannot be supported because there just will not be the money. We are going to find that true from the table in the other body later on. And I feel that we must have our priorities on education and our support directed more towards the public institutions. Again if this will save the private institutions a few dollars, certainly it would help them; but if we guarantee the credit of the State of Maine to every institution in the state and every organization that can save a little money by having a better backing, where are we going? Where is it going to end?

Again I think we have come to that rather tragic stage where we have got to make some decisions on bond issues. I was checking with the Budget Office this morning and to me the increase in our bonded indebtedness of the past fifteen years is alarming, and the increase which can be expected from this Legislature is even more alarming if we don't put the brakes on. So I cannot support this bill.

The SPEAKER: The Chair recognizes the gentleman from Madawaska. Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Very briefly, as was indicated by the gentleman from Cumberland. Mr. Richardson a few moments ago, it is his hope and certainly my hope that this is not going to be a party issue of any nature, and if it is going to help in a very small part towards the better operations of the private sectors of higher education I think we should render a hand. Most of you have recognized the fact and the amounts of money, the tremendous amount of monies that we are pumping into our private and public higher education, then I think probably we should look at this measure as just trying to help or give a helping hand to the private sectors of the higher education so that they may better serve our own

people and all the other people that wish to attend these institutions. Thank you.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: Just one quick question, if anybody would answer. I wonder if there is any provision in this setup about the number of colleges and the percentage that each college might have. I would be particularly interested in knowing how many private colleges there are — I probably should know, but I do not.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker, briefly to try and answer the last question by the gentleman from Portland, Mr. Cottrell, this is the list that I have — and it could be that I have omitted some one of the private colleges: Nasson, St. Joseph's in Windham, Bates, Bowdoin, St. Francis in Biddeford, Colby, Husson, Ricker, Unity; and possibly — there is considerable talk in the Ellsworth-Bar Harbor area of establishing a college there. I would say for the benefit of those who have strong objections to state money grants to private institutions, that this is not a grant, it is simply a loan that will be repaid — so that philosophical question should not disturb anyone.

The gentleman from East Millinocket, Mr. Birt, mentioned that in his opinion the private colleges had sources of income which the public institutions did not have. Well the greatest source of income, private income to the private colleges is the loyalty and devotion and willingness to open the pocketbook of their alumni. Now I will grant that in campaigning for money, and I have done this for my college, the great philanthropists, those who have large sums of money and like to support education, are more inclined to make gifts to private institutions because they realize that the other institutions, the public institutions, do receive public support.

I think this boils down to this. We have not been one bit bashful about giving the credit of the state

to the tune of some 16 or \$17 million to pollute. Let's not be bashful about a bond issue of \$25 million to educate.

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

Mr. HEWES: Mr. Speaker and Members of the House; I am in favor of this bill. I am a benefactor of a — beneficiary I should say, of the public school system all the way from kindergarten until I graduated from the University of Maine. And I know that private school graduates, private school students have always contributed to the public schools, and I think it is only fair that we, the public school beneficiaries, reciprocate. Even back when Maine - Bowdoin, Bates - Colby used to play football, I remember that the Bowdoin or Bates or Colby graduates used to contribute money to the University of Maine, and I think we should vote for this very good bill.

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

Mr. McNALLY: Mr. Speaker and Members of the House: Perhaps I shouldn't remind the good people of the Legislature, but there's a little bit of dust under one rock which is known as highways; and I'm afraid if you spend all the money for the good things of education you're going to ride on some mighty poor roads.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker and Members of the House: In answer to the question which Mr. Cottrell from Portland asked, there is no spelling out a percentage to any one institution in the State of Maine. I speak neither for nor against this bill. I signed the "Ought not to pass" Report, but I would say that the accompanying bill to which the gentleman from Houlton, Mr. Haskell has referred, cannot be passed until this measure is passed and voted on by the people because L. D. 974 is predicated upon the passage and the acceptance by the people of this bill. So any questions which anyone has as to

the extent of safeguards which should be included can be included in the document after this bond issue is approved by the people.

Mr. Haskell of Houlton was granted permission to speak a third time.

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen of the House: The point that I would like to leave crystal clear in your mind that I have tried to promote since I have been in the Legislature is simply this. This state is going to be inundated with educational costs if we continue to rely exclusively on the public sector. Unless at some point we decide that we can use state money and credit creatively in the private sector we are going to wind up with a second-rate public educational system. If we do use state money and state credit creatively to develop an educational system that would involve both the private and the public sector, we can have an educational system here in the State of Maine second to none.

A very important first step, and a very minimum step, and a step that does not involve any expenditure of money, but simply the extension of the state credit in support of private institutions, is the step that we are concerned with here this morning.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker and Members of the House: I would advise you to hang on to your hats. I have opposed state guaranteed loans, whether it be for pollution purposes or any other purpose. However, the gentleman from Houlton I fear has possibly very near converted me to his line of thinking. We are doing this thing, I have to admit that. I believe that he has convinced me that this is a means of saving money. I believe that we can reduce our education costs by this means. I find it very difficult, perhaps, to vote against those who have gone along with me for so many years, and I hope they will forgive me, but again I say we are doing this thing. I don't say

that I do condone it, I fear there are dangers in it, but this is the world we live in.

The SPEAKER: The Chair recognizes the gentleman from Lewiston. Mr. Cote.

Mr. COTE: Mr. Speaker, I would like to ask a question through the Chair. How much money will this save the taxpayer of the State of Maine?

The SPEAKER: The gentleman from Lewiston, Mr. Cote, poses a question through the Chair to any member who may answer if they choose.

The gentleman from Houlton, Mr. Haskell, may answer the question.

Mr. HASKELL: Mr. Speaker, any answer to this question would be purely a guess. In the long run the savings to the State of Maine would be in the area of capital construction at the University of Maine. Now currently the best estimate that I am aware of, it costs \$6,000 per student to create college capacity. We are attempting here to provide credit to allow private colleges to expand. There are plans for expansion in the State of Maine currently. Colby College currently is embarked on a fund-raising campaign of some \$7 million looking towards some expansion. Bates College in Lewiston I might suggest is planning an expansion of 500 students. Ricker College in Houlton, Maine is planning an expansion of 300 students. Husson College in Bangor is planning a substantial expansion, I can't give you the figures off the top of my head. There are, however, plans in almost every private institution in the State of Maine for expansion. The easier it is for them to obtain financing and credit the more expansion we are going to have. The more expansion we have in this area the less is going to be necessary in the public area.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, in answer to the gentleman from Lewiston, Mr. Cote, I would point out that the saving will only

occur if the private colleges increase the number of Maine students that they take in, and this was one of my objections to the bill, that there was absolutely no indication and absolutely no requirement that the private sector increase the number of Maine students that they were going to take in.

Thereupon, this being a Constitutional Amendment and a two-thirds vote of the House being necessary, a total was taken. 117 voted in favor of same and 24 against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act to Clarify the Right to Know Law (S. P. 215) (L. D. 796)

An Act Providing Funds for Construction of Garage and Storage Facility for Aroostook Association for Retarded Children (S. P. 287) (L. D. 929)

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

Enactor

Tabled and Assigned

An Act Revising the State Purchasing Law (S. P. 253) (L. D. 793)

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

(On motion of Mr. Donaghy of Lubec, tabled pending passage to be enacted and specially assigned for tomorrow.)

An Act relating to Suspension of Motor Vehicle Operator's License for Nonappearance in Court (S. P. 398) (L. D. 1350)

An Act relating to Adoptions (S. P. 399) (L. D. 1353)

An Act relating to Publication of Foreclosure Notices (S. P. 348) (L. D. 1214)

An Act to Empower County Commissioners to Contract for Dumps in the Unorganized Territory (S. P. 395) (L. D. 1348)

An Act relating to Expenditures from Aeronautical Fund (H. P. 72) (L. D. 72)

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

Enactor

Tabled and Assigned

An Act Increasing Compensation of Members of the Legislature (H. P. 73) (L. D. 73)

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

(On motion of Mr. Dennett of Kittery, tabled pending passage to be enacted and specially assigned for tomorrow.)

An Act Increasing Amount of State Grants for Community Mental Health Service (H. P. 325) (L. D. 412)

An Act Permitting Employment of State Prison and Reformatory Inmates on County and Municipal Public Works Projects (H. P. 497) (L. D. 651)

An Act to Amend the Charter of the Auburn Sewerage District (H. P. 610) (L. D. 798)

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

Enactor

Tabled and Assigned

An Act to Create Traffic Violations Bureaus in the District Courts (H. P. 768) (L. D. 988)

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

(On motion of Mr. Berman of Houlton, tabled pending passage to be enacted and specially assigned for tomorrow.)

An Act relating to Unfair and Coercive Insurance Requirements (H. P. 886) (L. D. 1145)

An Act Broadening the Scope of the Uniform Arbitration Act (H. P. 937) (L. D. 1198)

An Act relating to Powers and Duties of the Public Safety Commission of the Town of Old Orchard Beach (H. P. 995) (L. D. 1279)

An Act Classifying Marsh Stream, Waldo County (H. P. 1044) (L. D. 1367)

An Act to Prevent the Pollution of the Waters of China Lake (H. P. 1153) (L. D. 1475)

An Act relating to Tuition Charges for Special Education Classes (H. P. 1154) (L. D. 1476)

An Act relating to Bag Limit on and Registration of Bears (H. P. 1170) (L. D. 1492)

An Act to Revise the Laws Relating to Real Estate Brokers and Salesmen (H. P. 1176) (L. D. 1497)

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

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, I move that the House be in recess until three o'clock this afternoon.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson moves that the House be in recess until three o'clock this afternoon.

(Off Record Remarks)

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy, and the Chair would advise the House that a motion is pending to adjourn this House until 3:00 p.m. this afternoon, which is not debatable.

Mr. DONAGHY: Mr. Speaker, I simply wanted to ask through the Chair if the Majority Leader is aware that we have a rather important hearing this afternoon that is liable to go well beyond three o'clock?

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, may I request unanimous consent to address the House off the record?

The SPEAKER: The Chair would advise the gentleman that the adjournment motion is pending.

Mr. RICHARDSON: Yes I did and I do not care to withdraw the motion.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson

moves that the House adjourn until three o'clock this afternoon. Is this the pleasure of the House?

(Cries of "No")

The Chair will put it to vote. All those in favor of adjournment until three o'clock this afternoon will vote yes; those opposed will vote no.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker, a parliamentary inquiry.

The SPEAKER: The gentleman may pose his inquiry.

Mr. LEVESQUE: Mr. Speaker, is there in our rules a possibility that the House may not be in session or the other branch may not be in session while public hearings are being heard?

The SPEAKER: The Chair would advise the gentleman that there is no such rule.

The pending question is adjournment.

The Chair recognizes the gentleman from Stonington, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, I would request permission to briefly address the House off the record.

The SPEAKER: The Chair would advise the gentleman that the pending question is adjournment and that is the only matter that can be discussed. The time can be debated.

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

Mr. JALBERT: Mr. Speaker, is the time debatable?

The SPEAKER: The Chair advises the members that the time is debatable.

Mr. JALBERT: Mr. Speaker, well the reason I would go along with the thinking of three o'clock is because at three o'clock we can start taking off the table some twenty odd matters and this would afford us the time to do it, and if we don't take this time to do it when we are here, then I mean we will be here at a later time and that's Labor Day.

The SPEAKER: The Chair will put it to vote. All of those in favor of adjourning until three o'clock this afternoon will vote yes; those

opposed will vote no; and the Chair opens the vote.

A vote of the House was taken.

82 having voted in the affirmative and 53 having voted in the negative, the House recessed until three o'clock in the afternoon.

After Recess

3:00 P. M.

Called to order by the Speaker.

(Off Record Remarks)

Mr. Levesque of Madawaska was granted unanimous consent to address the House.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Seeing that this is on the record I will probably have to polish it up a little bit, but I certainly wouldn't want to see the gentleman from Cumberland, Mr. Richardson to start eating crow at this early stage of the game, even if we are in the middle of May.

But I find it quite odd this morning that the action that he had taken of recessing at noontime and coming in the afternoon without even due consideration to the leadership of the opposition party, of at least a 24-hour notice, was quite odd; although the action was taken and it was to be here at three o'clock this afternoon kind of upset my apple cart and probably a lot of the other members. And then I didn't even know if the Republican members knew of this action either. But I would like to ask the gentleman from Cumberland, Mr. Richardson and the leadership that at least come further notice of any change or radical change in the operation of the House of Representatives that we should at least have the courtesy, and by that I extend that to the Republicans as well as the Democrats, that we should have at least a 24-hour notice of the adjustment of schedule.

Mr. Richardson of Cumberland was granted unanimous consent to address the House.

Mr. RICHARDSON: Mr. Speaker and Members of the House: Since this terribly interesting subject is now a matter of the official record

of this House, on behalf of the Majority Party and its leadership I want to indicate to my friend on the opposite side of the House that we will always give to him the same consideration with re-

spect to notice that we give to our own members.

On motion of Mrs. Giroux of Waterville,

Adjourned until nine-thirty tomorrow morning.