

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Sixteenth Legislature

OF THE

State Of Maine

VOLUME III

FIRST REGULAR SESSION

Senate

December 2, 1992 to May 18, 1993

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators BALDACCI, BERUBE, BRANNIGAN, BUSTIN, CAREY, CIANCHETTE, CLEVELAND, CONLEY, ESTY, HANDY, HARRIMAN, LAWRENCE, LUTHER, MCCORMICK, PARADIS, PEARSON, PINGREE, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE

NAYS: Senators AMERO, BEGLEY, BUTLAND, CAHILL, CARPENTER, FOSTER, GOULD, HALL, HANLEY, KIEFFER, LUDWIG, MARDEN, SUMMERS, WEBSTER

ABSENT: Senator O'DEA

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent, and 20 being less than two-thirds of the entire elected Membership of the Senate, the Bill **FAILED ENACTMENT** in **NON-CONCURRENCE**.

Sent down for concurrence.

Off Record Remarks

The Chair laid before the Senate the Tabled and Today Assigned matter:

Bill "An Act to Increase Access to and Affordability of Mental Health and Substance Abuse Treatment Services"

S.P. 356 L.D. 1070

Tabled - March 29, 1993, by Senator **ESTY** of Cumberland.

Pending - **REFERENCE**

(In Senate, March 29, 1993, referred to the Committee on **BANKING & INSURANCE** and **ORDERED PRINTED**. Subsequently, **RECONSIDERED**.)

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending **REFERENCE**.

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

SENATE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act to Protect Reproductive Privacy in Maine" (Governor's Bill)

S.P. 117 L.D. 318

Majority - **OUGHT TO PASS**

Minority - **OUGHT NOT TO PASS**

Tabled - March 30, 1993, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE** of Either Report

(In Senate, March 30, 1993, Reports **READ**.)

Senator **CONLEY** of Cumberland moved that the Senate **ACCEPT** the Majority **OUGHT TO PASS** Report.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. L.D. 318 perhaps represents one of the most personal issues ever debated in American politics. This issue finally has arrived in Maine in the form of a debate about what we should do here with Maine's statutes and the Judiciary Committee conducted an extensive hearing about two weeks ago over at the Augusta Civic Center. I want to begin this debate by thanking the citizens of Maine who came to that hearing, and with this extremely emotional issue were able to come forward with different views, express those views without violence, without any interference with each others right to express their opinion. This is not the case in other parts of this country, we here in Maine, particularly on a sensitive issue such as this, ought to be thankful that we have such responsible citizens.

As a signer of the Majority Report I think it is important that this body know why I, as the Senate Chair of the Committee, signed the Report and I would like to speak to my reasons briefly. This Bill, entitled "An Act to Protect Reproductive Privacy in Maine" does four very simple things. What it does is codify the Supreme Court's 1973 decision of Roe vs. Wade, what this does is preserve post viability restrictions and adult involvement in this type of decision, what else this Bill does is repeal the 48 hour waiting period which was enjoined by a Federal Court a few years ago and the Federal District Court in Maine, a provision which we must look at very carefully because with the changing nature of the U.S. Supreme Court that particular law actually just by someone going to court might be re-established. Another important thing this Bill will do is to re-establish in Maine law exactly what informed consent a woman must be given by her physician when she is making this very difficult decision, the final thing it does is keeps intact our parental notification law so that minors in a very carefully crafted law a few years ago in this legislature had a procedure whereby adults can become involved in that very important decision.

This matter is something which each and every one of us in this chamber has an opinion on, has thought about deeply and has come to a very difficult decision making process to reach a decision of our own. I don't believe there is anything that can actually be said on the floor here today that is going to change anybody's decision one way or the other, because the very nature of this matter is so personal and so emotional that it has to be done on an individual basis. I can say as I know that the Senator from Oxford, Senator Hanley as well as Senator Berube from Androscoggin can say, that in the

ten hours of hearing on this Bill there were many tears, many emotions by individuals who came to testify on both sides of this issue. I believe that standing here as a Catholic it is important for me to say to you how it is that I come to my decision and how I reconcile my own religious beliefs with saying to you that I believe this law is necessary for the people of this State. As the oldest of twelve children I grew up in a household where abortion would be anathema. The idea of an abortion for my mother, for example, was just totally out of the question. That has been the teaching of my church, that has been what I have grown up with, what I have learned and as a Catholic I can say that I believe that that particular type of an act is a sin. That it is wrong. That is my personal decision, that is my personal opinion. The question I must ask is that as a Catholic who comes in and takes the oath of Office to serve the people of this State, who swears to uphold the Constitution and who was sent here by a diverse group of 35,000 citizens, I have to ask is it right that I come up here and impose my religious viewpoints on all of my citizens, on my Jewish citizens, on my atheist citizens, on my Protestant citizens. Is it right that I come here and bring my religious views to the point where I want them to say what the law is going to be. That is where I must draw the line, that is where I must say as a Catholic I should go out and preach love, preach those things in my church which matter so that I might be able to change people's minds, change people's feelings about maybe what they ought to do or how they ought to handle a certain situation, but I cannot and should not impose my religious views on the citizenry at large. The country has a long history for respecting this division.

The reason that we need this particular law, Roe v. Wade has been the law of the land by way of a court decision since 1973, but the women of my district and of your districts should not be in a position where they have to fear who is sitting on the U.S. Supreme Court. It ought not to be whatever somebody decides tomorrow from that particular body that controls what happens to women's bodies. That is why it is important that we go pro-active, that we take a stand here today, and that we pass this law which the Governor has given to us for our consideration. Thank you.

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending the motion by Senator **CONLEY** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS** Report.

Out of order and under suspension of the Rules, the Senate considered the following:

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on **BANKING & INSURANCE** on Bill "An Act Relating to Compulsory Insurance Limits for Hired Vehicles Used to Transport Passengers" (Emergency)

H.P. 728 L.D. 987

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-89)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-89)**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-89) **READ** and **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended** in concurrence.

Under suspension of the Rules, all matters thus acted upon were ordered sent forthwith.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

SENATE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act to Protect Reproductive Privacy in Maine" (Governor's Bill)
S.P. 117 L.D. 318

Majority - **OUGHT TO PASS**

Minority - **OUGHT NOT TO PASS**

Tabled - March 30, 1993, by Senator **ESTY** of Cumberland.

Pending - Motion by Senator **CONLEY** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS** Report

(In Senate, March 30, 1993, Reports **READ**)

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Hanley.

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. In my three terms in the legislature, this being my fourth, I don't believe I have faced a more difficult decision either here on the floor of the House or the Senate or in Committee then the decision that was presented to us in deliberating 318. It's especially more difficult being a male policy maker and being forced to make a decision on this Bill. It's quite clear whereas most Bills impact the people of our State the same, this Bill will have a definite greater impact on the women in this chamber and the women throughout this State then it will have on their male counterparts. My basic philosophy in Government and