

MAINE STATE LEGISLATURE

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

VOLUME I

FIRST REGULAR SESSION

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

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

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

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

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

ROLL CALL NO. 36

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

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

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

PAIRED: Gould (Nay)/Cashman (Yea)

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

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

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

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

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

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

The SPEAKER: The Chair recognizes the

Representative from Hampden, Representative Plowman.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Present law prohibits minors from using

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A vote of the House was taken and more than

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

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

The Chair recognizes the Representative from Winslow, Representative Vigue.

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

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

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

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

ROLL CALL NO. 37

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

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

ABSENT - Cloutier, Dutremble, L.; Hichborn, Jacques, Libby Jack, Rydell, Skoglund, Thompson, Whitcomb.

PAIRED - Vigue (Nay)/H. Bailey (Yea); Gould (Nay)/Cashman (Yea).

Yes, 97; No, 41; Absent, 9; Paired, 4; Excused, 0.

97 having voted in the affirmative and 41 in the negative with 9 being absent and 4 paired, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

The Chair laid before the House the following

matter: Bill "An Act to Protect Reproductive Privacy in Maine" (S.P. 117) (L.D. 318) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Representative St.Onge of Greene offered House Amendment "M" (H-129) and moved its adoption.

House Amendment "M" (H-129) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Greene, Representative St.Onge.

Representative St. ONGE: Mr. Speaker, Members of the House: I apologize to you, I know it has been a long day.

One of my concerns has been information provided to women seeking an abortion. I think this is important regardless of age. It is a difficult decision.

This amendment meets the need and avoids the informational requirements that have been used by both sides. It develops a neutral informational sheet which can be placed in a physician's office for anyone to pick up at any point in time. This would meet a legitimate requirement to provide information.

This amendment requires a public hearing so all parties would be involved and it would include such information as adoption, abortion, family financial support and whatever other information the committee would decide to put in.

I must stress this is not intended to make the process more difficult for a woman but to give them the information needed to make the decision. It is a difficult one and I urge you to support this amendment. Thank you for your time.

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

Representative TRACY: Mr. Speaker, I have been up as many times as this bill has been in front of us today. I request the yeas and nays when the vote is taken on House Amendment "M."

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

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

The SPEAKER: The pending question before the House is adoption of House Amendment "M" (H-129). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 38

YEA - Ahearne, Aliberti, Anderson, Bailey, R.; Beam, Bruno, Cameron, Campbell, Carr, Chase, Chonko, Clark, Clukey, Coffman, Cross, Dexter, Donnelly, Dore, Driscoll, Farren, Gould, R. A.; Hillock, Hussey, Jalbert, Joy, Kneeland, Kutasi, Lemont, Libby James, Lindahl, Look, Lord, MacBride, Marsh, Marshall, Martin, H.; Melendy, Michael, Michaud, Murphy, Pinette, Plourde, Plowman, Pouliot, Quint, Reed, W.; Robichaud, Ruhlin, Saint Onge, Simoneau, Stevens, A.; Strout, Tardy, Tufts, Vigue, Young, Zirkilton.

NAY - Adams, Aikman, Ault, Barth, Bennett, Bowers, Brennan, Carleton, Caron, Carroll, Cathcart, Clement, Coles, Constantine, Cote, Daggett, DiPietro, Erwin, Faircloth, Farnsworth, Fitzpatrick, Foss,