

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

One of the key components of this amendment, I believe, was drawn from our decisions we made as far as HIV testing. This body as well as the other in the past sessions have determined that in HIV testing it was important to have counseling prior to the test and then after the test, for very valid reasons. This would require similar counseling as far as in the area of abortion at the time the pregnancy test is administered and then after a positive result has been put forth. That's what this amendment does. It is a choice and we have debated this in our own caucus, as far as it's a choice on where you're going to come down on this issue. Do you feel that more information, as much information should be provided to the woman as possible, giving the woman the out to say no I don't want this information, but making the information available. My good friend from Cumberland also pointed out that he didn't want to put this burden on the Department of Human Services as far as having to come up with all of this information. I guess I would argue with my good friend that it might be worthwhile for the Department to actually get a handle on all of the programs that it has out there and maybe put a rope around this Department. I think it may be a smart move regardless of whether this chamber passes this amendment to require the Department of Human Services to see exactly what kind of services they have out there for women, and to have that compiled in a responsible fashion.

Having said that and probably having said more than needs to be said I'll sit down but I hope that you will vote against the Indefinite Postponement so that you can accept the very reasonable Minority Ought to Pass as Amended Report. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Just very briefly I would hope that you would accept the motion to Indefinitely Postpone this piece of legislation. From a woman's perspective I would like to share with you my objections to the Bill. As an adult woman if I make a decision which has been guaranteed to me, and it is a very difficult decision to have an abortion, then I don't believe I should, as an adult, be mandated to have counseling. I have some sympathy in the area of a pregnant minor if she is to have an abortion, I think that is clarified and is recommended under our current law, under the adult supervision portion of the legislation. As an adult, if I make, at 39 years old, a decision to have an abortion, I don't think I should be mandated to have counseling and that's what this amendment does. Thank you.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I just want to respectfully disagree with my good Minority Floor Leader. This is not mandated. If the woman at the time the information is provided, as far as alternatives to abortion, the woman can say no I don't want that information I've already made my mind up. That's it. This does not require, it is very specifically spelled out in the amendment that if the woman does not choose to have this information then such information will not be provided to her. I think that's a very critical part of this amendment. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **CONLEY** of Cumberland, to **INDEFINITELY POSTPONE** Bill and Accompanying Papers.

The Chair ordered a Division.

Will all those in favor please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

28 Senators having voted in the affirmative and 4 Senators having voted in the negative, the motion by Senator **CONLEY** of Cumberland, to **INDEFINITELY POSTPONE** Bill and Accompanying Papers, **PREVAILED**.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Ensure a Parent's Right to Know" H.P. 605 L.D. 820

Reported that the same **Ought Not to Pass**.

Signed:

Senators:
CONLEY of Cumberland
BERUBE of Androscoggin

Representatives:
CARON of Biddeford
CATHCART of Orono
LIPMAN of Augusta
OTT of York
KETTERER of Madison
SAXL of Bangor
FARNSWORTH of Hallowell
FAIRCLOTH of Bangor
COTE of Auburn

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-98)**.

Signed:

Senator:
HANLEY of Oxford

Representative:
PLOWMAN of Hampden

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Which Reports were **READ**.

On motion by Senator **CONLEY** of Cumberland the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

On motion by Senator **HANLEY** of Oxford, the Senate **RECONSIDERED** its action whereby it **ACCEPTED** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. For the reconsideration I guess I was expecting the good Senator from Cumberland to speak as he is known and I was waiting in deference to him. To get to the heart of the matter this is another Minority Report on L.D. 820. Basically it has to do with parental consent. Those of you who have served in this chamber or the other chamber before this is an issue that has been hotly debated in years past and probably will continue to be hotly debated in the years to come. If you were to vote against the pending motion and accept the Minority Ought to Pass Report you would have the ability to send this issue out to a citizen's advisory referendum to let the people of the State of Maine speak to the issue of whether or not they want to have at least one parent notified if a minor is going to have an abortion. I feel very strongly on this issue regarding whether or not a parent should be involved in such an important decision for a minor. I believe that State Government is driving an increasingly larger wedge between the families, as far as separating the role of families and the importance of families in our society. Some disagree with that. I guess it's my belief that instead of having 186 policy makers rule on this we should have all of the people across the State rule on this issue. Speaking for myself, I have been contacted by many, many constituents who feel very strongly that they as parents want to be considered in this decision making process. Having said that there are, as always, safety valves for those situations where parental consent would not be feasible. Having said that I hope that you would vote against the pending motion and accept the Minority Ought to Pass Report. Thank you.

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

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. In reference to "An Act to Ensure a Parent's Right to Know" I would like members of this body to become aware of the fact that this Legislature a few years ago spent a long time crafting a parental consent Bill that is now being used as a model across this country so that adolescents who happen to get pregnant have appropriate avenues through which to go in order to obtain an abortion if necessary. It was dealt with at length here and I believe the law is actually working. If it wasn't it wouldn't be used by so many other states by way of being adopted. The good Senator from Oxford has described what he and one other member of the Committee thought might be an interesting alternative to that which is to go out, not by referendum, to ask the people of this State to do one thing or another, but to seek their advice on what we should do here as a legislature. The very fact of going out and getting their opinion would not even be binding on us. We could be right back here again to address this very issue. I think we have a law that is working. I think this is an incredible waste of money to put this type of question out to an advisory opinion from the people and if we wanted to follow this line of reasoning we could just set up a little telepole so we could get people's opinions on this issue as well as other issues. I feel like I've been sent here by my 35,000 constituents to make the important decisions which they have sent me up here to make. I don't think it makes any sense to go out and ask them for their advice on this issue or any

other issue for that matter. For those reasons I think it is ill advised to go to an advisory referendum on this question and I would ask that you accept the Ought Not to Pass Report. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **CONLEY** of Cumberland, to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

The Chair ordered a Division.

Will all those in favor please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

27 Senators having voted in the affirmative and 6 Senators having voted in the negative, the motion by Senator **CONLEY** of Cumberland, to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED.**

Senate

Ought to Pass As Amended

Senator **PARADIS** for the Committee on **AGRICULTURE** on Bill "An Act to Increase the Penalty for Abuse of Animals"

S.P. 82 L.D. 195

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-56).**

Which Report was **READ** and **ACCEPTED.**

The Bill **READ ONCE.**

Committee Amendment "A" (S-56) **READ** and **ADOPTED.**

The Bill as **Amended, TOMORROW ASSIGNED FOR SECOND READING.**

SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

House

Bill "An Act to Amend the Laws Exempting Aseptic Packaging of Milk Substitutes"

H.P. 544 L.D. 740

Bill "An Act to Eliminate the Bureau of Public Administration"

H.P. 601 L.D. 816