

MAINE STATE LEGISLATURE

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

VOLUME II

FIRST REGULAR SESSION

House of Representatives
May 24, 1995 to June 30, 1995

We're darn proud of all of that and we're very, very proud, particularly, and quite a few people that are here are from the education component of our program and from the education system of the State of Maine. I was asked before these ceremonies, how this started and I think that what PACT 95 did and Young America did was act as a catalysis. As something that could bring together a very positive things that were already happening here in Maine. Give them some energy and power and the opportunity to reach out.

For example, we didn't write this 95 page book of hands on lessons on science and technology. This product was done by 15 teachers recruited by Dr. Bob Nene of University of Southern Maine, teachers from around the state who spent a summer working to put something together. Perhaps the most exciting and I think most inspirational of those lessons is a project in which teams of 3 students in a school build a test tank in the school and they build model boats, 16" long, 320 square inches of sail area, and they race those boats down the tank, powered by the wind of an electric fan. Their boats represent respective foreign countries, the students have to research those countries. They have to paint the boats in appropriate national colors. They have to do an oral report on the design that went into the boat. Why the sail was shaped the way it was. Why the boat was narrow or wide. Now that's one heck of an exercise. That's the kind of thing that really gets students excited. That came from the Tech Ed Association of Maine and I would recognize Bob Kronk, but I think I should recognize all of those teachers because when we were looking for a way to connect back the excitement that we feel in competing and the Olympics of technology. Which is what the America's Cup is. It was the Tech Ed Association that said, take a look at this, maybe this would help you get your job done.

Every aspect of this program it was people in Maine who came and said, "maybe we can help." As a result, more than anything else, more than the winning of the sail boat races on the water, I think that our program showed the world the kind of leadership that can come from a small state with very, very great values. We're very thankful to have had that opportunity.

Kevin mentioned some of the corporations in Maine who are involved. I should say that at the level of the UNUM Corporation, which was one of our three top level sponsors, that was a huge commitment. A commitment to take a Maine based corporation on a national and intentional stage. The kind of risk that is involved in sponsoring an event and hoping that your team represents you well, not knowing whether you're going to win or loose. That was inspirational to us to have a company step up and back us that way. Sebago was a very big part of it all, we had for example, Yale Kottage, Tom Yale provided all of the rigging for our boat. Very advanced, the highest technology rigging in the world, from here. Tony Corea, of course, not only donated a beautiful spinnaker to the boat, but produced beautiful jewelry for all of our team. MBNA, Key Bank of Maine, was a very, very big part of it and Key Bank's role was to help distribute the educational materials to the students.

Couple of other things I should mention, the role of newspapers is very fundamental in society and we're very fortunate and privileged to be able to connect through the newspaper and education network

to 27 major dailies around the country who actually physically printed the learning activity guide and delivered it to the classrooms. Some 3,500 teachers, some 3,500 classrooms around the country were reached this way as Kevin said, a half million students actually used these materials. Not surprising, the newspapers that had the greatest intensity of reach in their market areas were Bangor Daily News and the Portland Press Herald. We had this terrific support throughout the program. Very, Very privileged to have represented Maine, now there is this little matter of unfinished business. It's called Pact 2000 and bring the cup back. Thank you for your support.

At this point, the Speaker presented a framed copy of the Joint Resolution to Kevin Mahaney and John Marshall on behalf of all the members of the Maine House of Representatives.

The following item was taken up out of order by unanimous consent:

ENACTORS

Emergency Measure

An Act Concerning Potato Blight Eradication and the Disposal of Cull Potatoes (H.P. 1096) (L.D. 1540) (Governor's Bill) (C. "A" H-418)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

The Chair laid before the House the following item which was tabled earlier in today's session:

House Divided Report - Committee on Judiciary - (10) Members "Ought Not to Pass" - (3) Members "Ought to Pass" on Bill "An Act to Require Parental Notification for Minors Seeking Abortions" (H.P. 467) (L.D. 633) which was tabled by Representative TREAT of Gardiner pending her motion to accept the Majority "Ought Not to Pass" Report.

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

Representative TREAT: Mr. Speaker, Men and Women of the House: I urge that you support the pending motion which is the Majority 10 to 3 "Ought Not to Pass" Report.

If abortion is a difficult issue and decision for adults and we've certainly seen that from the previous debate, that it is. It is a even more difficult decision and issue, when we consider that teens, minors, also have a constitutionally protected right to an abortion, under certain circumstances. We can all think back to when we were teenagers and many of us are parents of teens. It is a confusing and difficult time, even under the best of circumstances, for both parents and children. Even without the difficult and emotional decision to either have an abortion, or to carry a pregnancy to term. Minors should not be making such momentous decisions all on their own. We do need to ensure that they have the support they need to make the right decision. No question about it, in most cases they should be turning to their parents for support, guidance, information and assistance. In fact, most teens do just that.

The largest nationwide study thus far done, which was completed in 1991, found that most teens choose to involve their parents without having any kind of mandatory law that requires that notice or consent of the parents. In fact, the younger the teen, the more likely she is to involve at least one parent. 80 percent of teens, 15 or younger, told at least one parent. For 16 years olds, it is at least 58 percent that voluntarily involved their parents, without any kind of legal mandate.

Not all teens can and even should consult with their parents, some do live in abusive homes. Others, even the good girls, just don't want to disappoint their parents, may not on the first instance, turn to that parent. That's where Maine's adult involvement law comes into play. The adult involvement law was adopted in 1989. It has worked extremely well. There have been no complaints about how this law has worked and there was none presented to the Judiciary Committee, in our hearings or work sessions. The adult involvement law requires the following: any young woman who is age 17 or under who is seeking an abortion must receive either parental consent or consent from another adult family member, such as an aunt or grandmother or consent from a judge who must decide if she was mature enough to make the decision independently or counselling from an approved counselor. The law defines counselor as anyone who is "a physician, psychiatrist, psychologist, social worker, ordained clergy member, physician assistant, nurse practitioner, guidance counselor, registered nurse, or licensed practical nurse." The law defines what counseling must be provided. The counselor must explain all options, including adoption, parenting and abortion. He or she must explain that the information being given is not intended to persuade the young woman to choose one option over the other. In addition, the counselor must give information about obtaining prenatal care and birth control information and must discuss the possibility of involving the teen's parents or other family members in the decision. Finally, the counselor must give the young woman the opportunity to ask questions, referring her elsewhere, if she cannot answer the questions asked. The intent of this procedure is to get the young woman, who has not initially involved the parents, to go and talk with a parent. The law works as it is currently written.

L.D. 633, which we are asking you "Ought Not to Pass" amends the current law in ways that would be very harmful to the teenager and are simply unnecessary.

L.D. 633 forces immature teens into parenthood. The bill does not give the court the authority to consent to the minor's abortion. Instead, the teen must prove with clear and convincing evidence that she is sufficiently mature and well enough informed to intelligently decide for herself. Thus we have the ironic situation that if the judge determines her to be immature to make her own decision to have an abortion, she must have the pregnancy and perhaps bring up the child. There is a cruel irony that in these cases, the immature minor who is likely to be ill prepared for parenthood is forced to have the child.

L.D. 633 judicial bypass is not realistic or reasonable for the average teenager. Court houses are not located in every Maine town, in many towns, district and probate judges sit only on designated

days. This means a teen, most of whom have limited resources, money, or transportation, especially in rural areas, must travel great distances that make this option impossible. Most court houses in Maine are located in the county seat. L.D. 633 does not give support to the teen, who takes the judicial bypass route. Counseling, I might remind you, in the adult involvement law is provided for every single teenager, who initially seeks an abortion. Neither the judge, nor any court personnel are required to also provide or refer to support systems. There is in the bill an escape clause for abused minors, but it is grossly insensitive to their plight. The bill places the burden of proof on the abused teen, requiring her to prove by clear and convincing evidence that she has been physically, sexually, or emotionally abused. It frequently takes months and even years for abuse victims to acquire the emotional resources to seek assistance necessary to escape or recover from an abuse situation. To force a victim to negotiate the complicated judicial system when the situation is compounded by a crisis pregnancy is both naive and cruel.

Further, L.D. 633 does not guarantee confidentiality or safety to the teen, although there is a provision in the bill that says the court records shall be confidential, there's no guarantee that a teens anonymity can be preserved in the court house environment. Just to give you an example of why we know that is not the case, a study of Massachusetts law shows that a teen must have contact with an average of 23 people before a ruling is made. That's 23 people that could leak out this information and that could create a life threatening situation for an abused teen, particularly where the parent may have been involved and may have even created the pregnancy, which does happen. L.D. 633 creates the kinds of delays, also, which would lead teens to have later term pregnancies which are certainly riskier, than if they seek an abortion very, very early on.

This bill is not necessary, we have a law that works very well. It requires informed consent, involves counselling, and involves assistance to the teen and in most circumstances, it is going to involve the parents. It is a good law. There is no need to change it and I urge you to support the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative Ahearne.

Representative AHEARNE: Mr. Speaker, Ladies and Gentlemen of the House: I would ask you to reject the Majority "Ought Not to Pass" so we can accept the Minority "Ought to Pass" Report.

Today our children require permission slips from parents to participate in high school athletics, extra curricular activities and even if they are 17 to join the military service. Why then is there any question regarding the proposed requirement that parental notification be required in such a form as to be meaningful when the minor seeks to have an abortion. Is not having an abortion more likely to have adverse impact on the child than playing basketball or being in the band? We impose restrictions in interest of the minor's welfare, for many activities but yet we balk at requiring parental consent or even proper notification when a minor seeks to have an abortion. Where is the logic or are we simply taking the least line of resistance when confronted by vocal pro-abortion advocates. We are

clearly imposing a double standard. Next we shall probably be asked to remove the parental permission requirement from all activities as an infringement of children's rights, while ignoring the child's right to have a sense of discipline.

The proper education when learning right from wrong, a secure loving home and proper guidance. America's horrified that a sight of violence against children typified by Susan Smith's drowning of her two young children and by violence by youth such as senseless killings in Los Angeles gang shootings. Much is said about the moral decay of a society, but few do actually anything to sustain this decay.

This legislation does not restrict abortion, but rather it ensures that before abortions are permitted for minors, proper steps are taken to secure parental notification, to allow the parents time to console the minor. Inclusion of a provision for judicial bypass provides a remedy for those minors suffering from abusive parents or being emancipated. This legislation simply provides protection, similar to a requirement for parental permission for high school students to participate in athletics or other extra curricular activities. In fact, this legislation is less stringent, than such requirements that it provides a judicial remedy in the cases where the parents refuse to grant such permission. A remedy that is not readily available in the case of extra curricular activities, denial.

This legislation is based upon similar legislation passed in Minnesota and Ohio. The highest statute requires notification of one parent, the parental notification by the physician, the 24 hour waiting period after notice, and the "clear and convincing evidence" standard of proof, the minor's maturity and best interest has been upheld by the U.S. Supreme Court and the Minnesota provision, where notification of both parents and a 48 hour waiting period were similarly upheld by the U.S. Supreme Court. Since statistics indicate that approximately one-fourth of all abortion clinic patients are minors. This legislation can effect abortion practice as it applies to minors in a significant manner. It can also help to reinforce a concept that life is priceless and must be considered priceless. The decision to terminate a pregnancy shall not be made under peer pressure by an immature or confused minor, without even consultation with the parents. This legislation does not seek to preclude the ability of a minor to obtain an abortion. It only seeks to place equal weight on the role of the parent in a minor's decision, as society currently requires in connection with the minor's right to participate in athletics or extra curricular activities in school. Finally, the proposed statute fully complies with the U.S. Supreme Court decisions, which require the following: two parent notification, including a non-custodian parent with proper drafted judicial bypass, a one parent notice with judicial bypass, assessment by judge of a minor's maturity and best interests by clear and convincing evidence standards, personal notification by the physician and parental notice at least 24 or 48 hours before the abortion. The proposed legislation will clearly stand the test of constitutionality, it deserves to be enacted into law. I ask the support of all who are concerned about the welfare of children, the continued wave of youth violence and the deterioration of society, in securing the passage and enactment of the proposed legislation.

Representative AHEARNE of Madawaska requested a roll call on the motion 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, too, had a problem with this bill. The fact that it is constitutionally sound, still gave me some questions as to what we were doing. But when questions arose in committee and work session when I said, "how do you ascertain that the adult in the waiting room is not the boyfriend of the young girl, who doesn't want to pay child support." It came out that an adult is not even required to accompany the young lady. The adult involvement is the person who does the counselling, signs off and sends the child, the minor, with a piece of paper and whoever she chooses to go with her, but it need not be an adult, that concerned me. This bill didn't provide for that. I'd like to see that. The bill provided that, clear and convincing evidence to a judge of abuse had to be met. I didn't quite agree with that. I did think that perhaps if a child couldn't tell her parents that she should be able to go to the doctor and tell the doctor that she was abused. But I absolutely felt, that if a child could not get parental notification because of that, that the doctor be absolutely bound to report the abuse that this child is engaged in. Because, after all, the first duty is to protect the child. I also thought the judicial bypass was very hard to meet. Judicial bypass for these kinds of things should be the ability to walk into a probate court, file a form, see a judge. These are young ladies, they didn't get pregnant by making one of the best decisions of their lives. They have already shown that they need some assistance. Yes, I would like the parents to be first and if the child is in danger, I'd like the state to be notified that this child needs help now, so she can learn to deal with her abuse now. If she needs an abortion and she's so afraid she can't tell her parents, that this physician upon documenting and advising DHS may perform the abortion.

That if the young lady who feels she's old enough, mature enough, and doesn't want to tell her parents, and she's not abused, wants to have an abortion than she go down to the probate court, fill out a form, no fee, receive the permission and the permission becomes part of the file. It's simple to me. Personally, I'd want my daughter coming to me. Personally, in 30 years when my daughter might have some doubts, I'd like her to be turning to me and saying, "mom, did I make the right decision." That I'm the one that says, "yes, I think you did, we talked about it, we knew all the alternatives, I went with you, I held your hand and we did the best that we could do right than." I tell you, I'd bet she'd have a hard time finding the LPN who worked in the doctor's office and provided the consent to say, "gee, did I do the right thing. I don't know, what's your last name. Let me pull your chart." Parents need to know when their children undergo a procedure where the informed consent provided by the doctor asks them to waive their right to sue should a surgical instrument, cartilage or bone perforate her uterus. I doubt if a 15 year old even knows what a tort is, what medical malpractice is and would it be legal, probably not, not the fact that she signed it. You can't sign away your right to a tort, but

she's signing a contract that she couldn't possibly understand. Telling the doctor, yes, I hear you saying it's dangerous, but 14 and 15 year olds, going home after having such a procedure and having only told the school counselor and maybe a couple of friends that's she's had an abortion, who develops problems in the middle of the night. Starts a fever, maybe bleeds a little, but they told her she might, so she expects it, but the fever gets worse, what if she waits until 8:30 tomorrow morning when she sees the guidance counselor to say, "look I didn't want to tell mom and dad last night, but I think I've got complications." It's not all going to go away. There's a certain number of people who will not go to their parents, who will not allow their parents to be notified. Those are the kids who will be scared half to death anyway, rather they came home pregnant or not, because they are abused. Those kids need to be protected. The first alarm should go out from the doctor. In the third scenario again, a young mature lady, 17 years old, not in danger, capable of making her decisions, licensed, ability to drive, can contact one of the adults that are on the parental involvement list now. Could you drive me to Bangor, could you drive me to Dover-Foxcroft? I don't think it's unreasonable. It's constitutionally sound. It's a way to make sure children are truly protected, to make sure that the adult involvement just doesn't mean, signing off on a check list, yes, we discussed this, and this and this, date and sign and take this with you to the doctor. When Maine cracked down on child support, I bet there aren't to many 17 year old boys who are real happy about their girlfriend coming to tell them that they are going to not be a father. They're not going to pay child support. I'll pay for your abortion. They'll be the one sitting in the waiting room waiting for the young lady to come out, because there is no adult there with the best interest of the child. Besides the doctor, and the doctor's there, but it's not the doctor's duty to check and see who came with her and see who's taking her home. I don't think this is unreasonable. We're not challenging anyone's right to an abortion. We're not challenging anyone's ability to ask, we're saying give the parents the first shot, protect the kids with the second shot, and recognize the mature young lady with the third shot. I ask you to turn down this Report and go on to accept the Minority Report. Thank you.

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

Representative ROWE: Mr. Speaker, Men and Women of the House: I know this is an emotional subject, just as L.D. 630 was and I chose not to speak on that because other people spoke for me. I oppose L.D. 630 and I oppose this bill and I know we often get up and often we speak to influence other people and I know that's probably not going to happen today because, most, if not all, the people probably already have strongly held positions on this issue. I did feel compelled to speak.

I understand the concerns of the proponents of L.D. 633 and I respect their opinions greatly, however, I respectfully disagree. I know the Representative from Madawaska has brought up some issues regarding the fact that parental consent is necessary for other activities through perhaps the school's request for extra curricular, joining the military. I would suggest that this is very, very different. The nature of the issue is different,

confidentiality in this particular case is critical, because this involves a minor seeking birth control services. U.S. Supreme Court has acknowledged the need for confidentiality.

I think it's also important to underscore in Representative Treat, highlighted this and I'd like to highlight it again, that statistics show that 80 percent of teenage women under 16 years of age who seek an abortion, tell at least one of their parents. That fact is pretty amazing when you consider that over 50 percent of the families are single parent families to begin with. What about those who don't choose to tell their parents? We can't legislate family communications. I know many minors and I'm sure you do, many young women who do not have established and open communications with their parents. In some cases, I know the children very well, the minors, and I would suggest that they are more capable of making thoughtful deliberate decisions than their parents. I would not suggest that in all cases, but in some I believe that to be the case.

It is also important to look at the effect that laws, like the one proposed before us, L.D. 633, have had in other states. Statistics show that teenage women cross over to states which allow abortions without parental notification. You have had statistics on your desk, I think to reflect this, I won't go into detail.

Representative Treat pointed out the differences between current Maine law and L.D. 633 and I think she did a good job. I would like to highlight a little of that again, under Maine's current adult involvement law, a young woman who is age 17 or under who's seeking an abortion must receive parental consent, consent from another adult family member, consent from a judge, who must decide if she is mature enough to make the decision independently or counselling from an approved counselor. In the statute 22 MRSA, section 1597, the approved counselors are listed. They include physicians, psychiatrist, psychologist, social worker, ordained clergy members, to name a few.

Specific counselling is also listed in the statute and I think Representative Treat highlighted that, but I would like to highlight a couple of points. The counselor must explain all options, including adoption, parenting and abortion. The counselor must explain that the information being given is not intended to persuade the young woman to choose one option over another. The counselor must give information about obtaining prenatal care and birth control information and discuss the possibility of involving the teen's parents, or other adult family members in the decision. Finally, the young woman is given an opportunity to ask questions, and to be referred to another individual if the counselor can not answer the question. It is important to note that in Maine's adult involvement law, even a minor who obtains parental consent must still receive counselling from a person who meets the legal definition of a counselor. I believe that is absent in this bill and I would suggest that's a very important distinction between the two.

I know that adult guidance for a young woman facing reproductive choice issues is very important, it's critically important, but it's this legislator's opinion that Maine's current law supports young women in making informed responsible decisions. Current law encourages family involvement, however, it

provides alternatives to those young women, who for reasons that they feel very strongly about, do not feel comfortable involving a parent. For all these reasons, I would encourage you to vote for the pending motion, which is the Majority "Ought Not to Pass" Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Acton, Representative Nass.

Representative NASS: Mr. Speaker, Men and Women of the House: For me, this issue is not so much abortion as it is parental rights. I urge you to focus on the board, the words that are up there, parental notification and the word minors. For me, that's what this is all about. I rise in opposition to the Majority "Ought Not to Pass" and hope that you will consider the alternative.

Sunday is Father's Day and on that day many of us will celebrate the memory and lives of our fathers. Just as we celebrated the memory and lives of our mothers, several weeks ago. As we honor our mothers and fathers, I believe most parents recognize the responsibilities to their children. I also believe that most, the vast majority of mothers and fathers, care about their 14, 15, 16 and 17 year old daughters. That they want and need and have a right to know when their child is facing a crisis. This bill only allows parents to know when their child is facing a pregnancy crisis. It does not require or authorize parental permission. Most of the material I've received over the past several months in this body, is concerned parental permission for this kind of a crisis. This is about parental notification. This bill is about a parent's right to notification. About a parent's right to know when their minor daughter is in some kind of a crisis. I believe that this is a more serious problem than the abortion issue. It's about the rights of parents to know, just to know, when their child, their young daughter, their minor daughter, needs, and perhaps needs their counsel and advise.

As I remember the testimony in the Judiciary Committee on this issue, it took a strange turn. If you believe, that the state's interest revolved around protecting those few minors who suffer perhaps from abuse, parental abuse or other abuse in the home than perhaps you will find some satisfaction in this bill. If you are more concerned about the parents rights and our lack of ability as a society to deal with, especially with our teen-age children, than I would urge you to look at the alternative and vote against the Majority "Ought to Pass" on this issue. Thank you.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Tyler.

Representative TYLER: Mr. Speaker, Men and Women of the House: When I signed on to this legislation, I was fulfilling a campaign promise that I would, in fact, sign a parental notification bill. I signed it with the idea, not really understanding what it was all about. At first, it didn't seem to me that it amounted to much of anything. I thought this was a simple bill, wouldn't cause any real problems. The more I've studied it over the last three or four months, I've come to the conclusion that I cannot back this type of situation. I know in my own family, if my daughter got in a situation. I assume she would come to me and I really feel she would because we have a family of mutual respect and trust. I know there are many situations out there, the abusive homes, the children that have no real

homes, I think these young women could have a real problem. Maine's current involvement law is pretty good, it seems to do the job very well and at this point in time, I cannot support this legislation and I urge you to accept the Majority "Ought Not to Pass." Thank you.

The SPEAKER: The Chair recognizes the Representative from Fryeburg, Representative True.

Representative TRUE: Mr. Speaker, Colleagues of the House: As a former teacher, coach and headmaster as well as being a father of six children and a grandfather of five and hopefully a sixth, he or she will be born on my birthday, and as a husband, I know the agony that young women find themselves when they are in the position of being unexpectedly pregnant. I know what they go through because many of these women felt they could, because of friendship and trust, which I tried to purvey upon them, came to me or to my wife, for advise and support. Young women in these situations, do talk to the parents, other family members, friends and other adults. They don't make these decisions easily and our current law allows young women to take this advise and help without attempting to mandate, parent and child communications. Government simply cannot force children to talk to parents, just as it can't force parents to be loving and supportive to their children. How I wish just the opposite. The colleagues of the House, this is the real world. When society, quite frankly, is running wild and out of balance and family is no longer what we want it to be or wish it to be.

I would like to take another road in trying to refresh your memory and ask how many of you remember the song I believe, and if it wasn't a prop, I'd sing it to you. In this song, which begins "I believe for every drop of rain that falls a flower grows" and goes on to say "I believe that someone in the great somewhere hears every word and I believe that everyone that goes astray, someone will come and show the way." You see, I believe these words, and the words, someone, this could mean many people if I understand the meaning and connotation of the word. Why than restrict young people? Give them the choice.

I'm sure many of you remember somewhere in your education a wonderful woman, Helen Keller, and if you remember she was blind. That wonderful woman who showed courage, thoughtfulness, and spirit throughout her life. She said and I quote, "there are many open and closed doors in this life, but we spend more time trying to figure out how to open the closed doors than taking advantage of those already open to us, which affords opportunities." Which may in the case of these young people, lead to happiness or fulfillment of a dream.

It is incumbent upon all of us, no matter what we are, no matter what we do and even as parents, I have heard it said many times this morning about rights. It is true that we must follow the law and the laws of our land, however, in the case of getting people to have open communication, it is my belief, you've got to practice friendship, you're got to practice and earn trust and you then put this to good work. I think this particular L.D. would be wrong and I urge you to support the Majority "Ought Not to Pass." Thank you.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House: I respectfully disagree with my good colleague from Fryeburg, Representative True. For one thing, one of the reasons a family is no longer a big part of our society is because we're advocating those rights. We're taking more and more rights away from the parents and giving minors, so called rights.

This bill, I see, as an attempt, a midstream correction, if you will, in our societal decay. I, for one, am not ready to throw up my hands and give up. When I knew this bill was coming up and I signed onto this bill, and I still support it very strongly. I was going to make up a list of things requiring parental consent. I never got around to that, but there is quite a list, I am sure, and I'm hoping somebody else will have that. I did sit in on a workshop in the Banking and Insurance when they were talking about referring to chiropractors. The person in the HMO health service said they could not self-refer minors, they had to get written permission. We all know of other circumstances, where it requires not just notification, but written permission, for surgical procedures and even little small things, and for my understanding, someone could correct me, even if you do something at a school, you have to get written permission, to give a child an aspirin.

There seems to be a strange inconsistency when we approach the topic of abortion. All of a sudden, the parent doesn't even have to be notified. There is also strange inconsistency in this stand when we're constantly trying to instill parental responsibility on young men who make their girlfriends pregnant. We say you have to be a responsible parent. Yet we take this stand to say as a parent, you don't have the right to know if your young daughter is pregnant. Why is that? Think about it. I don't know quite the age that a young girl can get pregnant, is it 11, 10, 12. Each of you who have daughters, if your daughter got pregnant by her boyfriend and she was afraid to tell you, and she went to an abortionist, would these people, and from what I understand from some of the testimony earlier, that an adult doesn't even have to be with the girl. Would you want your 12 year old daughter to have a major procedure performed on her without you even knowing it? It's inconceivable and I know all the anecdotal stuff, and it is true, there is some child abuse, it may be the father that has made her pregnant. But there's a lot of girls that don't get abused by their father and get pregnant by their boyfriends. These are not grown-ups, these are young children. Just because they are pregnant and they're going to have a child. These are children having children. Once they make that step, once they have that abortion, all the services and the counseling not withstanding by strangers, she's going to have to live with that for the rest of her life. Than what happens when her parents find out. What kind of relationship is she going to have with her parents at that point? Is she ever going to be able to live with that? We heard earlier some very moving testimony from Representative Meres and what she went through when she lost two children from miscarriages. Can you imagine what it would be like for a young 12 year old girl to go through the process we have set up now, not have her parents notified, have an abortion and then the very next day, after it happens, realize what she has done. Twelve years old, it's inconceivable to me, that a

parent would not be notified, not written permission, mind you, just notified. Why are we having societal decay? Why is society running amuck? Take a look at what we're doing. I urge you to vote against the pending motion. Thank you.

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

Representative SAXL: Mr. Speaker, Men and Women of the House: First, I'd like to address some concerns brought up by my good friend from Madawaska, Representative Ahearne. As in L.D. 630, this measure brought before us today, is, in fact, constitutional and we're not challenging that today. As Representative Gates said in that debate, and I agree with him now, it's not good public policy. Also, and I'll tell you why. The Portland paper was recently quoted in a piece by the Representative from Madawaska, Representative Ahearne, discouraging the current report, the Majority "Ought Not to Pass", but in fact, when the contact for the entire editorial, I was curious about that, so I took a look at the entire editorial and what the editorial said in whole was that this legislation was intrusive, even dangerous and that parental consent legislation to those who oppose abortion is a real problem and it's a bad piece of legislation.

I was wondering when my colleague, Representative Waterhouse, was talking about strange inconsistencies about the strange inconsistency that we're talking about here today. To me it seems very hypocritical of this body to say that we believe that a young woman is capable to care for and responsible for another human being. To bring another human being into the world. Yet that woman, that young person, is not able to make this decision about their own body. Representative Plowman talks about how she wants it to be. How she would want to be a part of her daughter's decision. I think that all of us in this body, share that. We all want to have that type of family relationship. I would suggest, that if we are going to wait until after our children become pregnant, after our daughters become pregnant, than it's a little bit to late. We should try to nurture those relationships and we should have those relationships, but you also have to understand that that is not a rule. Not every daughter will be able to have that relationship with their parents. That's a great tragedy, but it's a fact.

During the testimony, during the public hearing, we had very moving testimony from a woman whose daughter had, in fact, died as a direct result of the parental consent law. Her daughter was not a bad kid, was an honor roll kid, as I understand it, was a good kid. Had a great relationship with her mother, but she didn't feel she could be open with her mother in this regard, to talk about her pregnancy. The shame, the fear, and as a result she had an illegal abortion and she died. We don't want to force our children to have illegal measures. We want to make sure that this procedure is done by professionals and sure, we want mothers and fathers to be able to talk to their daughters, but if they can't we want to make sure that they are safe when this is all over. Thank you.

The SPEAKER: The Chair recognizes the Representative from York, Representative Ott.

Representative OTT: Mr. Speaker, Men and Women of the House: Someone earlier said that this is a bill by the title on the tote board that it's a parental notification bill, I think it goes much beyond that.

Yes, it is a bill that concerns parental notification, but it's more in the negative. The bill itself concerns what happens when there isn't parental notification. Just in reviewing the bill and to me most of it concerns the aspects of a judicial review, or the so called judicial bypass process that will be necessary for a teenager to go through in order to even get to the point where she would make a decision on whether or not she was going to have an abortion. That process to me looks frightening. She's not only got to make a sworn statement to the court, she's got to set forth her reasons why she thinks she's entitled to the opportunity to make that decision, about whether or not to have an abortion. She's got to state to the court that she feels she's mature enough to make the decision or if not, she's got to say that there has been some kind of abuse in her family that would warrant a court granting her the right to make the decision without having to ask one of her parents. She's got to wait up to five days before she can get that decision, and if I understand the bill, she would have to have an attorney, either of her choice, which she herself would retain, at her own expense, or have the court appoint one for her. Then there's a hearing, a hearing which she would be compelled to produce testimony that would convince the court, with clear and convincing evidence, that she was entitled to the opportunity to make that decision. To give her the consent to make the decision on whether or not she was going to have an abortion. If she wins, she's then cast a drift to make to make that decision without any other help or assistance, that is provided for in statute other than what she may seek on her own. If she loses, she has to take a further step, to take an appeal, that involves time. I think it's set out in the bill, four days within which she can take an appeal for the next higher tribunal, than four days after that, she can file a brief, explaining why she thinks the decision made by the lower courts should be reversed.

I can tell you, that if anybody's been in the district court, either like myself as an attorney or as a party to a law suit, it's not a pleasant place to be. It's a place that most people would rather never have to visit during their lifetime. To say that we're going to cast a young teenager into this process and let her go through, what I would say one of the most frightening and traumatizing events of her life, not to mention having to do that all the while she is thinking about the decision she's got to make about an abortion. We'd be asking too much of her.

We've had explanations about the adult involvement law. It seems that it is working, it does address those concerns of people who think that teenagers should have somebody, adult stature, to sort of use as a sounding board, to get some advise. It may in some instances not be a parent. I think that's the choice that teenager should have. I do not think that we should be putting the barriers in front of her of this judicial bypass system and I think it should be defeated and I ask that you vote to accept the "Ought Not to Pass" Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative POVICH: Mr. Speaker, Men and Women of the House: I oppose L.D. 633 and I support the Majority "Ought Not to Pass" Report. I'm a step-father, my step-daughter, Jody, is 16 years old,

she was a page here once. Father's Day is next Sunday, and if Jody could give me, but one father's day present it would be that she trusted her mother and me enough to involve us in any decision that involved her, no matter what circumstance.

Since age 5, when I came on the scene with her, Jody has involved us in just about every important decision, but if she were to become pregnant. She knows that she is free to make the decision that she feels comfortable with. My wife and I are comfortable that current Maine law is doing the job. Thank you and please vote yes on the current motion.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: It amazes me to stand here today and to listen to people say that parents don't have rights. We all know that all parents aren't perfect, believe me the majority out there are parents.

I cannot imagine that this legislature has so little value on life as I have heard here today. Not only on this bill, but on the other bill. That a child's life doesn't have a worth. Every life has a worth. Whether it's perfect or not. I believe that every parent has a right to know what is happening to their little girl.

I have eight brothers and sisters, I have 20 some nieces and nephew, I don't know how many grand nieces and nephews, I haven't taken a count lately. I know that a few years ago when my dad went, there were 92 of us. That's a pretty good sized family and I think we're pretty close. We've all had our tragedies. We've had a few divorces in that family, too. I just don't believe that there is any one of us who would want to stand up and say we don't want to know what's happening in our child's life. No matter what happens to each one of us, we're all there. I believe that's the way it should be.

There may be a few cases where we need to have the judge come in and this law allows for the judge to come in. That judge should come in and take that child out of that abusive situation, not because she's pregnant, because it's the right thing to do and that child probably should have been taken out of that situation. Without this law, that child can go and have an abortion and go right back into that same abusive situation and nobody knows anything about it. I'm sorry, ladies and gentlemen, I get upset when I see some of the laws we are passing and what we are doing to the families and what little value we have on a baby's life. We have no value at all and it does upset me. I urge you not to support the motion on the floor.

The SPEAKER: The Chair recognizes the Representative from Pittston, Representative Guerrette.

Representative GUERRETTE: Mr. Speaker, Ladies and Gentlemen of the House: I rise today as a cosponsor of this bill and for me it's an issue of parental rights. I see this as a matter that we as a society are one more time saying to parents, we are going to play parents for your children and you don't get to anymore. That frightens me. I know there are situations of abuse and this bill more than adequately protects young girls in these situations, but for the vast majority of cases where there isn't abuse, a young girl in this time in her life needs to be able to go to her mother or to her father and talk.

I'm sure we've all been in a situation when we were kids where we were afraid to tell mom and dad something we had done, maybe something minor, maybe something not so minor. We were amazed when we told our parents, or when they finally found out, how much better they reacted than we expected them to. We were amazed how understanding they were and in so many cases these young girls are under a tremendous amount of stress and they're afraid to tell someone when, in fact, mom would embrace her with open arms, would love her, and would help her make whatever decision she deemed important. To take away the parent's rights and to take away the opportunity of parents to be parents, in this most important time is to do a tremendous disservice to society.

As I watched this issue, I watched the battle lines on both sides form, I see the pro-life people on one side, I see the pro-abortion people on the other side and I say to myself, the pro-choice people, and I say to myself if there is ever a common ground, if there is ever an area where both sides ought to be able to meet and find common ground and agree, instead of warring forever, this is the kind of issue. This is an issue of parents rights. This is not just an issue of abortion rights. I sincerely wish to ask you to vote against the pending motion so we may go on and accept the Minority Report and protect the rights of parents and young girls in this State of Maine.

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

Representative LAYTON: Mr. Speaker, Men and Women of the House: I find it difficult that I'm even standing here debating this. Most of us here are parents, sons or daughter, it doesn't make a difference. Let me just relate to you a little thing, I want to get to what Representative Waterhouse was saying, everybody's talking about 13, 14 15 year old, 16 year old girls. I currently have a 9 year old daughter that's going through puberty. This girl right now could become pregnant, 9 years old, she'll be 10 July 1st. I asked her, I said, "Venisa, if I give you \$20 and you can spend it on anything you want, what are you going to spend it on?" She said, "Dad, I would buy all the bubble gum I could chew."

Am I to believe that we here are telling me that she is capable of making some decision on an abortion issue. If my daughter needs my permission to have her tonsils removed, why am I being excluded from at the very least, being given the courtesy, a simple courtesy of being notified if she is seeking an abortion. Testimony here has been given that a certain percentage of minors do, in fact, tell their parents.

The fact of the matter is, under current law, they don't have to. They can seek other alternatives. If this same logic were applied across the board, how many of you would not be outraged if your daughter sought wholesale tonsillectomies and when the school nurse said, "yea, it's okay." The procedure was done. There would be an outcry that would be just unbelievable. Rather the young lady comes from an abusive relationship or from other poorer home environment, it has no impact on getting her appendix out, or anything else. This is a medical procedure. As a father of two young daughters, I would think at the very least, this body would at least be thinking about saying, this is not abortion, this is medical

procedure we're talking about here. I just urge my colleagues here to put this in prospective, get away from abortion, get involved with the medical procedure, appendicitis, tonsillitis, whatever it is, abortion, I want to know, I'm the father, I want to know. Thank you.

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

Representative POULIOT: Mr. Speaker, Ladies and Gentlemen of the House: I have a document here, before me that this could be adopted and it's from the welfare department. It could be from your municipality, it may be from mine. It may be your constituent, it could be mine. I just want to read you a couple of opening lines. It goes to the constituent and it says, "Please be advised that on June 9th, 1995, your daughter applied for general assistance from the town of _____," the basic necessities needed such as food, rent, medicine, light, heat, so on and so forth. Then it goes on to say, "according to Maine Statutes, you are legally responsible, and it says you're legally responsible for providing support for your daughter until the age of 25 within your financial capabilities. We are enclosing a copy of the section, 4319 Title 22 of the Maine Statute which describes the liability of relatives for support."

The reason why I say this is that we impose responsibility on parents when it comes for a debt. But yet when it comes like other people have been saying, a 9 year old, 10 year old child, then and there, we're going to say, "Oh, no", you don't have to tell the father or the mother and I'm just trying to figure out where are we pushing parental guidance.

The main reason why I read that is I have a question, I'd like to pose a question through the Chair to any member of the committee who would like to answer it. The question is, and I hope I ask this question right, the question is, if a young teenager has an abortion without parental consent, now remember, without parental consent, something goes wrong, the child needs medical attention, as was presented by Representative Plowman. Who becomes responsible for the medical bills? Who becomes responsible if this young girl, internal damages have been done to her so that she may not be able to reproduce later? Who becomes legally responsible? Is it the judge? Is it the counselor? Is it the one who authorized this, without any parental consent? I would hope that someone will give me the answer to that question today, because I owe that answer to two of my constituents back home. Thank you.

The SPEAKER: The Representative from Lewiston, Representative Pouliot has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Gardiner, Representative Treat.

Representative TREAT: Mr. Speaker, Men and Women of the House: In response to that question, I would expect that the parents would be responsible, which I assume is your question, in terms of the care of that person.

There are lots of things that are contradictory in our lives. I did want to mention something that was very persuasive to many people on the committee, concerning this issue of parental notification and consent and things like that. It's a fact that if this young teen were to have a baby, she would be deemed completely responsible for making all medical

decisions for that baby at that time, upon giving birth. If a choice had to be made in terms of major heart surgery on that baby, that young girl would be responsible for making those decisions about that other child's life. It does not seem terribly out of line for that same young girl to be making decisions about her own body.

I would point out that there would be a 100 percent agreement in this body that every teen get some help and adult involvement in that decision. I don't think anyone wants that decision to be made, rather its a decision to have a baby, whether it's a decision not to have a baby. That decision should not be made alone by that teenager.

Under Maine law adopted in 1989, that decision is not made alone. It is made with the help of another adult. It is only made with another adult when the consent is not signed, in fact, the consent is signed in most cases, and the majority around the country, 80 percent seek their parent's consent and involvement, anyway, without a law. I know that the law is sometimes contradictory, but we have a law that takes care of the situations that need to be taken care of. It has worked very well. We did not get any testimony saying that it has not. I urge you to support the pending motion.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I do believe that the parents in this room, myself included, would be receptive and supportive if their daughters came to them in this situation. All of these children are very lucky.

However, the kid that we are talking about, generally the ones most likely to become pregnant at this age are from dysfunctional and abusive homes for the most part. The American Psychiatric Association has a statement, the adolescent most vulnerable to early pregnancy is the product of adverse sociocultural conditions, including poverty, discrimination and family disorganization.

In my other job, I did a study on at risk adolescents and how they use health services. We met with federal representatives, doctors, president of the AMA, pediatricians, various people. One of the biggest issues in adolescent health is confidentiality. Part of the study included visits with at risk low-income youth, about how they access health services. I met with a group of teenagers in Boston in a housing project and I talked with them. They were all extremely responsible young people. They were responsible for their educations, they all had jobs, they were honor students and I asked them about their parent's involvement. Half their parents were in jail. Their parents were on drugs. Their parents were basically unavailable. They made decisions for themselves, with the help of guidance counselors, with the help of friends, with the help of other parental type figures, not necessarily their parents.

The problem with this bill is that it is dangerous to these kids if they don't have the access to the health care that they need. If they find this is a barrier to their medical care, there are dangerous health implications and I urge you to vote with the Majority "Ought Not to Pass." Thank you.

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

Representative PLOWMAN: Mr. Speaker, Men and Women of the House: This bill clearly delineates

between an emancipated minor and unemancipated minor.

The unemancipated minor who needs medical care will certainly be the responsibility of the parent to provide the care. Should that care have resulted from malpractice, the pleading would read, Mrs. John Smith or Denise Smith next friend of Jones Smith versus Dr. Jones, because that's what the court requires when a minor comes before the court.

Emancipated minors, children who are living on their own, making their own decisions, making their way in life, receiving assistance. Representative Pouliot's constituent could not receive that assistance until she became an emancipated minor. Emancipated minors don't fall under this proposed bill. They have been recognized.

Unemancipated minors, children who are the full responsibility of their legal guardians, who are responsible for them whether they incur medical expenses, trash houses, kick the kid next door, burn the house down. The parents are responsible for the actions of their children. I just wanted to point out to you that the bill does not deal with emancipated minors. It's a kid at home whose parents are primarily responsible for them and if you can't talk to your mom and dad and you're too scared and you're abused physically, sexually, emotionally, and you're dysfunctional and they're dysfunctional and the child is given that reason to have an abortion. You have treated a symptom and allowed the disease to run unchecked.

I do feel on a second note that I should clarify that you heard testimony earlier regarding a young woman who passed away. In the medical report, that have come out of that, indicate that the woman died of sepsis, she died of virulent strep infection of her lungs. The autopsy showed no sepsis of the uterus, meaning no infection. This was a disease that swept through her so fast she died within a matter of days. You know another person who died from the same disease. Jim Henson, do you remember how shocked we all were. My son had that disease. It took 30 days, 17 days to turn him around. 30 days of IV treatment in his lungs. The young lady died of a terrible, terrible virulent disease, But that disease was pervasive in her lungs. It was not a result of a botched abortion, it was a result of catching the wrong germs. Thank you.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Luther.

Representative LUTHER: Mr. Speaker, Ladies and Gentlemen of the House: It seems to me the argument used to defeat this bill is the same argument as the opposite of the argument that was used the last time. Now it seems to be a good idea for the state to intercede and rend a parental oversight, a matter of teenage option.

Parental authority should not be so easily set aside. Having the state decide that a doctor, a nurse, an LPN, a social worker, the list goes on and on. All these people should have an equal say, are equally concerned about your child, that is indeed an intrusion of the state into the family. Parental authority is good policy. Thank you.

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

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: This morning I was reading my local paper and one thing that I found and quite to my surprise was that Dr. Benjamin Spock lived in

Maine. He lives in Camden. He spoke recently at the Civic Center and what he basically told the people that were gathered there was the reasons that we have got much of the crime that we have in this society at the present time is the loss of the family involvement. That the family used to be in control of what was going on and what was being done.

Look at the Chinese, the Chinese have a great deal of respect for their parents, a great deal of respect for their grandparents and these people are very, very involved. When I was selling insurance in Lewiston, I was brought to a Chinese family to sell insurance to one of the kids and I ended up having to sell insurance to the grandfather. This is how involved these people were. The crime rate with the Chinese is probably one of the lowest in the world.

What Spock says is that we now have double the divorce rates that we've had in 15 years, we have increasing amounts of sex on TV and crime, we lack good affordable day care. Parents are not at all involved in what happens and what effects their children. We have taken away parental involvement. We don't have the guiding of their lives that we had years ago. Because of this, they don't have any respect for us, they don't have any respect for our laws. They have lost respect for themselves.

This small piece, parental notification is a very, very small step and would probably help us to change the direction. To reinvolve people, to reinvolve parents with the lives of their children. Ladies and gentlemen, I ask you to please reject the pending motion so that we can adopt parental notification and therefore try to improve the welfare of our children for the future.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Hartnett.

Representative HARTNETT: Mr. Speaker, Men and Women of the House: It may sound odd to say, but I agree with everything, or nearly everything I've heard today. I think that kind of sums up this issue. I'm not sure there is a right answer and a wrong answer today. I do know that each of you will have your own answer and so I want to talk for a moment, not so much to convince anyone, because I don't think I could, and there's not many of us here, but I wanted to explain why I'm on the Majority "Ought Not to Pass" Report when I'm also cosponsor of the bill.

I absolutely felt there was a need for parental notification when I arrived here in December of last year, absolutely felt we should have it. It was a big issue in my campaign committee as a matter of fact, it nearly split it in half. Some members leaving because I felt so strongly on this issue. But in the months that have gone by since December, and throughout the processes of public hearings and listening to so many people, I arrived at the decision that to pass this law would not really accomplish the things the sponsors want, might well have some unintended consequences of putting young girls in jeopardy and in the end would really not serve any great purpose.

One of the other things I wanted to tell you about was a miracle that occurred and it occurred May 26, 1982 in Portland, Maine. That's when my daughter was born. One of three miracles that I've been able to witness in my life and I feel very privileged. When she was born, the doctors wrapped her in a towel and actually they handed her to me first and I stood under these warm lights that they have there to keep

the baby warm. I held her hand, probably one of the first human beings in the world to hold her hand. She had very, very long fingers and I thought she was going to be a piano player. She played second base and trumpet. In the course of her growing up, like with her two brothers, I've held her hand lots of other times. Crossing a street or teaching her to cross the street, the first day of school, a tough day at school and I remember Christmas eve, I think she was four or five, when she was so sick with the flu, could barely sleep and we sat up with her the entire night, mostly holding her hand. I guess as a father, I wanted to hold her hand should she ever be facing the situation of an unwanted pregnancy at a young age, that age being of a minor. I'd like to believe that I will be there, we've built a very, very strong relationship over the years. As a matter of fact, many constituents who have called me said, Bob, it's not your kids that you have to worry about, we know the relationship you have, they'll talk to you, it is these other children at risk or in abusive situations. I kind of listened to that argument and at some point during the public hearing on this, a light went on in my head and I said you know, it could be my daughter, Kristen, who would not feel she was able to tell me, to approach me. We have an incredible strong relationship, she knows I think the world of her. Most nights when she goes to bed, I say, "you're the best" and she says, "no you're the best" and I say "okay, you're second best." It's a routine we go through every night. But I realize and I talked about all this throughout this debate, I have talked to my daughter at dinnertime about this, hopefully building more of the bridge and bond, but I realize in some ways maybe I'm guilty of putting her on a pedestal or raising my expectations too high so that she might not feel she could come to me because of the disappointment I might feel.

So the other night in preparing for this day, I told her you'll never disappoint me, come to me, I want to hold your hand, but she might not be able to. Certainly, lots of other girls might not be able to. This law seeks to establish a relationship that we all want parents and their children to have and most of us as parents, we work for this relationship, we beg, we plead, we cajole, we hope and pray for this kind of relationship with our daughters. The one thing we can't do is legislate it.

Ladies and gentlemen of the House, I have changed my mind on this bill, I don't think it accomplishes what its authors hope. I think it has some very dire unintended consequences and in the end I don't believe it serves any useful purpose.

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 members present and voting. All those in favor will vote yes; those opposed will vote no.

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

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

Representative STONE: Mr. Speaker, Ladies and Gentlemen of the House: I do not believe that the bill before us recognizes the real world. We are looking at the world through our vision and how we perceive it is and not how it really is. If minors can talk to a parent, they will. Legislation will

not make minors respect and confide in their parents or other family members. This bill will merely drive minors underground and make a decision even worse. Please support the motion before you. Thank you.

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

Representative LUMBRA: Mr. Speaker, Ladies and Gentlemen of the House: I hear the moans and groans, but I have to say something that hasn't been heard yet. I just happened to go through some of the stuff that I collected during the campaign and what I found was this life for me survey. We've been talking an awful lot about campaign promises. What I did was I looked around and I listened to everybody speaking and I looked up their name in the survey they returned. Boy, I see a lot on inconsistencies, and it was a direct question. Would you support parental consent law with a judicial bypass, what I'd like you to do is remember your campaign promise here. It's pretty interesting, I mean, everybody's in here. Some people didn't send it back, but I've heard some people standing up speaking against this.

The SPEAKER: The Chair would interrupt the Representative from Bangor, Representative Lumbra, the Chair would remind the good Representative, the pending motion before the House is the motion to accept the "Ought Not to Pass" Report. It is not the decorum of this House to question the motive of other members of this body at any time. The Chair apologizes for the interruption, the Representative may proceed.

Representative LUMBRA: Well, than let's go back to the bill. What we're talking about is parental notification bill. What I've heard here, is that we want to protect children. What I know from my nursing background and from medical procedures that parents have to be involved in medical procedures because they have to watch out for risks and side affects of medical procedures. So what we are saying here is that a minor child can go and get an abortion, parents don't know about it, not even notified, and if there is a risk that does occur or a side effect that does happen, infection sets in, parents don't know what to do because they don't know what's going on. The child is often afraid to say what they have done. If that child dies, which does happen, guess what, the records are closed. Parents can't even get to the records, because of these laws that we have to protect the minor children.

The SPEAKER: The Chair recognizes the Representative from Durham, Representative Fitzpatrick.

Representative FITZPATRICK: Mr. Speaker, Men and Women of the House: I would just ask, men and women of the House, to remember what you've heard today. One is, that the parent, the adult notification law or adult involvement law works. It's been in place for a number of years. It's effective and there was no testimony that indicated that it didn't work.

Secondly, you've heard from a number of people that adolescents if given information can make informed decisions. The current law allows for that to happen, as both Representative Treat and Representative Rowe explained and lastly, I'd like to echo something else that Representative Rowe said, that you cannot legislate family communications. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House: Earlier I heard a comment that these agencies that provide this counseling that are on the books now are equally concerned about our kids. I think not. Also, we heard that the judicial bypass for a child that came from an abusive situation, they would go through a very stressful situation that would last a week or whatever, I can't remember the exact time, but how long would a young girl who went through the abortion process, how long would she suffer stress, depression, or whatever, after she had this abortion? Those are the children that I'm worried about.

The 9 year old, of Representative Layton, maybe she would be too afraid to tell her father, but with this law in place and there's no abuse in the family, he would be notified and than he could say to his daughter, it's all right, I love you, you're going to have a wonderful baby, part of the family, we're going to be supportive, she wouldn't have that abortion.

We have a judicial bypass to protect those kids that come from abusive homes. And yes, like the Representative from Freeport said earlier, he has a very good relationship with his daughter and he would hope that she would come up and tell him this, that she was pregnant, but what if she didn't? What if for some reason they lost that bond and she didn't tell him, and he wasn't notified and she had an abortion and then afterwards he found out and she could never forgive herself. Who knows what's going to happen. This is not lancing a boil. This is the real world, ladies and gentlemen, we are constantly talking about real world situations, but we're creating the real world with our laws. We are constantly abrogating parental rights and you can have the scenarios of, gee you know, something tragic is going to happen and this parental notification, not parental consent, parental notification, goes into effect, they're going to go underground. Look at how many abortions we're having now.

Parental consent is not the question here, parental notification. I urge you to vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Oxford, Representative Underwood.

Representative UNDERWOOD: Mr. Speaker, Men and Women of the House: I stand in opposition to the pending motion. Throughout our society, we require parental permission for everything from simple surgical procedures, to participating in extra curricular activities. It's ironic to me that we require permission from an adult for a minor to play baseball after school, but we don't require simple notification of a procedure that can change the rest of their lives.

Now it's been mentioned here today, that minors with a history of family violence cannot go to their parents for help, well ladies and gentlemen, this legislation will help to bring this abuse out into the open and allow that minor to get the help that they need, not only with the pregnancy, but with the problems that are occurring in the home.

A decision to have an abortion is the biggest decision that a young girl may have to face in her young life. It's unfortunate that some people can feel that parental involvement is not necessary. Ladies and gentlemen of the House, I ask you to vote

no on this motion and to support the minority report. Thank you.

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House: Briefly, I feel that I would like to outline for you why I feel the pregnancy of a young woman is vastly different from any other situation. It's a unique situation, not comparable to having one's ears pierced, not comparable to deciding to join the soccer team, not comparable to going on a class trip and not comparable to a tonsillectomy.

For good or bad, pregnancy in our society carries a great deal of stigma, of societal pressure, it's a conflict issue which involves emotions, longterm ramifications, both medical and emotional, financial, it simply is not comparable to any other small decision. For that reason, it must be treated differently, we must respect confidentiality issues.

I will just repeat that this bill does not take away the parents right to be parents. If you have been a good parent, you will still be a good parent and your child will approach you. However, where healthy family communications does not exist, no amount of legislation can create it. Please vote to accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Waterhouse. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House: I know we've been debating this for a long time, so I'm going to keep it real short. Earlier over another days and different topics, we are constantly talking about different issues and we heard people say, "think of your voters back home, think of what the people want." We are constantly quoting polls and statistics and whatever, I'm not a real poll watcher and I don't think you should vote the way the polls go. You should vote your conscience. We should take into consideration, how the people feel on this issue, and if you look at the letter that Representative Ahearne put on your desk earlier, some of the materials and I quote, "It is troubling to understand opposition to such simple regulations as parental notification and informed consent. Especially, in the light of overwhelming public support and it goes on to quote a poll that says 73 percent support parental involvement law." Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority "Ought Not to Pass" Report. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 166

YEA - Adams, Aikman, Ault, Benedikt, Berry, Bigl, Brennan, Buck, Cameron, Carleton, Chartrand, Chase, Chizmar, Cross, Daggett, Damren, Davidson, Dore, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gooley, Green, Greenlaw, Hartnett, Hatch, Heeschen, Heino, Johnson, Jones, K.; Joseph, Kerr, Kilkelly, Kontos, Labrecque, LaFountain, Lemaire, Lemke, Lemont, Lindahl, Lovett, Marvin, Mayo, McAlevey, Mitchell EH; Mitchell JE; Morrison, Nadeau, Nickerson, O'Gara, Ott, Peavey, Pendleton, Perkins, Povich, Reed, G.; Rice, Richardson, Rotondi, Rowe, Saxl, J.; Saxl, M.; Shiah, Stedman, Stevens, Stone,

Taylor, Thompson, Townsend, Treat, Tripp, True, Truman, Tyler, Volenik, Watson, Winn, The Speaker.

NAY - Ahearne, Bailey, Barth, Birney, Bouffard, Bunker, Campbell, Chick, Clark, Cloutier, Clukey, Desmond, Dexter, DiPietro, Donnelly, Driscoll, Dunn, Gerry, Gieringer, Gould, Guerrette, Hichborn, Jacques, Jones, S.; Joy, Joyce, Joyner, Keane, Kneeland, Lane, Layton, Libby JD; Look, Lumbra, Luther, Madore, Marshall, Martin, McElroy, Meres, Murphy, Nass, O'Neal, Pinkham, Plowman, Pouliot, Reed, W.; Ricker, Robichaud, Rosebush, Samson, Savage, Simoneau, Strout, Tufts, Tuttle, Underwood, Vigue, Waterhouse, Wheeler, Whitcomb, Winglass, Winsor.

ABSENT - Libby JL; Paul, Poirier, Poulin, Sirois, Spear, Yackobitz.

Yes, 81; No, 63; Absent, 7; Excused, 0.

81 having voted in the affirmative and 63 voted in the negative, with 7 being absent, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence. Ordered sent forthwith.

On motion of Representative JACQUES of Waterville, the House recessed until 3:15 p.m.

(After Recess)

The following items were taken up out of order by unanimous consent:

SENATE PAPERS

The following Communication: (H.C. 222)
Maine State Senate
State House Station 3
Augusta, Maine 04333

June 15, 1995

The Honorable Dan A. Gwadosky
Speaker of the House
117th Legislature
Augusta, Maine 04333

Dear Speaker Gwadosky:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Natural Resources, Honorable John F. Marsh of West Gardiner and John D. Tewhey of Gorham for appointment to the Board of Environmental Protection.

Sincerely,
S/May M. Ross
Secretary of the Senate

Was read and ordered placed on file.

CONSENT CALENDAR

Second Day

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

(S.P. 395) (L.D. 1083) Bill "An Act to Institute a Yearly Series Labor-Management Systems Conferences" (C. "A" S-255)

(S.P. 441) (L.D. 1209) Bill "An Act to Amend the Laws Pertaining to the Marine Resources Advisory Council" (C. "A" S-263)