

MAINE STATE LEGISLATURE

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State of Maine

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most likely looking at the need of an overnight stay in the area where these services are provided. This is a significant financial burden on the women in this state.

The other issue that has not been brought up here yet tonight is abusive relationships. In the cases of rape or incest, the need to get an abortion may be immediate. The violator of the woman may very well resort to force to keep that woman from getting the abortion that she may feel she needs. So once again, ladies and gentlemen, I ask you to trust the women of this state, they are going into this with their eyes wide open and this 24 hour waiting period is a new burden.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bangor, Representative Saxl.

Representative **SAXL**: Mr. Speaker, Men and Women of the House. I didn't speak on the last bill that concerned abortion, but I think that I should go on record, because I have every session that I have been here. What is of utmost importance to me is that there remain sphere of privacy, some place where government does not intrude, some place where we are able to make choices for ourselves, without having the government's heavy hand and certainly these matters are very deeply held, some influenced by religious beliefs, some influenced by secular ones, but certainly there must be some place where we can make decisions for ourselves, with those who we choose to consult, our doctors, our religious leaders, our friends and not have them legislated to us by strangers. Thank you.

The SPEAKER PRO TEM: 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. 261

YEA - Bagley, Baker, Belanger, Berry RL, Brennan, Brooks, Bruno, Bryant, Bull, Cameron, Chick, Collins, Colwell, Cowger, Daigle, Davidson, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Foster, Fuller, Gagne, Gagnon, Gooley, Green, Hatch, Honey, Jabar, Jacobs, Jodrey, Jones, Kane, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, Mailhot, Marvin, Mayo, McDonough, McGlocklin, McKee, McKenney, Mitchell, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien LL, O'Neil, Peavey, Perkins, Pieh, Powers, Quint, Richardson E, Richardson J, Rines, Rosen, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Skoglund, Stanwood, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tracy, Tripp, Twomey, Volenik, Watson, Wheeler GJ, Williams, Mr. Speaker.

NAY - Ahearn, Andrews, Berry DP, Bolduc, Bouffard, Bowles, Bragdon, Bumps, Campbell, Carr, Chizmar, Cianchette, Clark, Clough, Cross, Davis, Desmond, Duncan, Frechette, Gerry, Gillis, Glynn, Heidrich, Joy, Kasprzak, Kneeland, MacDougall, Mack, Madore, Martin, Matthews, McAlevey, McNeil, Mendros, Murphy E, O'Brien JA, O'Neal, Pinkham, Plowman, Richard, Samson, Sanborn, Savage C, Shields, Shorey, Sirois, Snowe-Mello, Stanley, Stedman, Tobin J, Trahan, Treadwell, Usher, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Buck, Cote, Goodwin, Labrecque, Perry, Povich, True, Tuttle.

Yes, 86; No, 57; Absent, 8; Excused, 0.

86 having voted in the affirmative and 57 voted in the negative, with 8 being absent, the Majority Ought Not to Pass Report was **ACCEPTED** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act to Require Parental Notification for Minors Seeking Abortions"

(H.P. 106) (L.D. 137)

Signed:

Senators:

LONGLEY of Waldo
TREAT of Kennebec
BENOIT of Franklin

Representatives:

THOMPSON of Naples
BULL of Freeport
JACOBS of Turner
LaVERDIERE of Wilton
NORBERT of Portland
MITCHELL of Vassalboro
SCHNEIDER of Durham

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-626)** on same Bill.

Signed:

Representatives:

PLOWMAN of Hampden
MADORE of Augusta
WATERHOUSE of Bridgton

READ.

Representative THOMPSON of Naples moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Madawaska, Representative Ahearn.

Representative **AHEARNE**: Mr. Speaker, Ladies and Gentlemen of the House. I ask you not to accept the pending motion so we can pass this piece of legislation.

Today our children require permission slips from parents to participate in high school athletics, extra curricular activities, and even when they are seventeen to join the military service. Why then is there any question regarding the proposed requirement of LD 137. 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 an adverse impact on the child than playing basketball, or being in the band. We impose restrictions in the interest of the minor's welfare in 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 just simply picking the least line of resistance when confronting with vocal pro-abortion advocates. We are clearly imposing double standards, next we will 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, a proper education, learning right from wrong, a secure and loving home and proper guidance. This legislation does not restrict abortion, but it rather insures that before abortions are permitted for minors proper steps are taken to secure parental notification and to allow the parents time to console the minor. The inclusion of the provision for judicial bypass provides a remedy for those minors suffering

from abuse, abusive parents. This legislation simply provides protection similar to requirements for parental permission for high school students who participate in athletics or other extra curricular activities. In fact this legislation is less stringent in that it provides for 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 denied. This legislation is based upon similar legislation passed in Ohio. The Ohio statute required notification of one parent, the personal notice by the physician, the 24 hour waiting period after the notice and the clear and convincing evidence, standard of proof of the minor's maturity and the best interests have been upheld by the U.S. Supreme Court. Since the statistics indicate that possibly one fourth of abortion clinic patients are minors, this legislation can affect abortion practice as it applies to minors in a significant manner. It can also help to reinforce the concept that life is priceless and must be considered priceless. The decision to terminate a pregnancy should not be made under peer pressure by an immature or confused minor without due consultation with her parents. This legislation does not seek to preclude the ability of a minor to obtain an abortion, it only seeks to place equal weight in the role of the parents in a minor's decision society currently requires in connection with a minor's right to participate in athletics, or other extra curricular activities in school.

There is great concern in Maine about the level of child abuse. We wonder why children are killed, beaten, starved and simply neglected by their parents or guardians. We also wonder why so many teenagers or even younger children are involved in crimes of violence, including murder without any apparent signs of remorse. All the while we continue this disregard of the unborn children and in fact, the young women who have become pregnant with unwanted children. We are told by some that abortion is better in such cases than having children born in such circumstances that they are abused or abandoned. What these same voices ignore is the facts that the attitude of indifference to life is fostered and reinforced by the apparent ease with which society permits the termination of unborn life. It doesn't take a great leap to go from killing the unborn to beating or killing a young child who happens to be an inconvenience or an ignorance. Where is our concern for the life and for the rights of all living things to live? Today violence is rampant in our nation, people, including young children are killed every hour and people ask why even children commit murder without any apparent concern. I can only say when there is no concern for the unborn child, there is usually no concern for the young child nor for teen and the result is often another violent uncaring person. I believe this is primarily due to a lack of parental concern that begins with an uncaring attitude through abortion. I urge you to reject the pending motion so we can approve this bill and save the lives of the unborn children in Maine while providing an example for other states to follow.

Representative AHEARNE of Madawaska **REQUESTED** a roll call on the motion to **ACCEPT** the Majority Ought Not to Pass Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Augusta, Representative O'Brien.

Representative **O'BRIEN**: Mr. Speaker, Colleagues of the House. I really didn't mean to speak on these bills tonight, but I feel compelled. Something interesting happened to me

yesterday, I received a call from my 16 year old son asking that I go over and give him Tylenol. He had a migraine headache and they would not give him Tylenol. Something seems askew here.

Another point I would like to point out is that as we are discussing this, it comes to mind I really wonder how many minors feel that they have no choice and they think about the repercussions, that they're afraid and I would have been at 16, 17 years old. I would have been terrified had I been pregnant. I don't know if I would have gone to my parents, being afraid of the shame and the guilt and everything that would have gone with it, but I know now as a parent, and I ask all of you as a parent, those of you who are parents, if your son or daughter were in that situation, wouldn't you much prefer that they did come and tell you. It is your blood, you have a say in it, it's your potential grandchild, you have a say in whether they carry that baby to term. You have a say in whether there is an abortion. You have a say in letting them know the option of adoption. It does not even need to be said, but I'll say it anyway. How many families out there are looking for children, again, to me this is a no brainer.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. I think of all the issues dealing with abortion, this is one of the easiest ones to talk to people about. When I approach people that I know and ask them if they think they should be notified if their daughter is going to have an abortion, there is absolutely no question in their mind, whatsoever, whether they should be notified.

An earlier debate on another issue, the first issue that we took up on partial birth abortion, the constitutionality and vagueness issue was talked about, well ladies and gentlemen of the House, this is not vague and there is no constitutional problem, not only has the Supreme Court upheld parental notification, it has upheld parental consent laws. You heard that the present law takes care of the situation and you heard we might have a potential situation where the pregnant person is abused by the person they're suppose to report to, but as the good Representative from Madawaska said there's a judicial bypass to take care of that. Present law allows a young minor to get an abortion, if she's counseled by an adult or even the very boyfriend who got her pregnant.

Think long and hard on this as parents, those of you who are parents and have a young daughter, a daughter who is not of age that can not become pregnant at this early stage, possibly she's young, someday she for whatever reason got pregnant, if you, as the mother or father would at least, the very, very least would like to be notified that she was going to have an abortion. How would you feel if for whatever reason your daughter was ashamed and didn't come to let you know and used the present law in the State of Maine, got some counseling by one of the people who are allowed to do this counseling, they counseled her to have an abortion and you found out about it later and your niece or nephew life was ended and after talking to your daughter after that she realized what a tragic mistake she had made and if only you had been notified you could have worked things out together. As the good Representative from Augusta said, and I concur and I hope you do too, this is a no brainer. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Durham, Representative Schneider.

Representative **SCHNEIDER**: Mr. Speaker, Ladies and Gentlemen of the House. I ask you to support Majority Ought Not to Pass Committee Report on this bill for two basic reasons. The first reason is that Maine already has an adult involvement law and the second reason is that it works.

Maine's current adult involvement law requires a minor, a young woman age 17 years or younger to get consent from her parents or from an adult relative or from an approved counselor or from the judge of the court before she can have an abortion. I would like to read to you from the statute exactly what that counseling must require under Maine's law right now. Any physician or counselor providing pregnancy information and counseling on this subsection shall, in a manner that will be understood by the minor, number one, explain that the information being given to the minor is being given objectively and is not intended to coerce, persuade or induce the minor to choose either to have an abortion or to carry the pregnancy to term. The information is suppose to be given objectively without pressing one side or the other.

Two, explain that the minor may withdraw a decision to have an abortion at any time before the abortion is performed or may reconsider a decision not to have an abortion at any time within the time period during which an abortion may legally be performed. So the person has to explain to the young woman that she can change her mind, that she can decide not to have an abortion at any time.

Three, clearly and fully explore with the minor the alternative choices available for managing the pregnancy, including carrying the pregnancy to term and keeping the child, carrying the pregnancy to term and placing the child with a relative or another family, through foster care or adoption and the elements of prenatal and postnatal care, so that's all educational and it's intended to tell the young woman what her options are. Explain that public and private agencies are available to provide birth control information and that a list of these agencies and the services available from each will be provided at the minor's request.

Five, discuss the possibility of involving the minor's parents, guardian or other adult family members in the minor's decision making concerning the pregnancy and explore whether the minor believes that involvement would be in the minor's best interest and number six, provide adequate opportunity for the minor to ask any questions concerning the pregnancy, abortion, child care, and adoption, and provide information the minor seeks or if the person can not provide the information indicate where the minor can receive the information. So Maine's existing adult involvement law requires the involvement of an adult in the decision of a young woman to have an abortion, or to carry the baby to term. This law works extremely well and it doesn't need supplementation or changing by the proposal under consideration right now. I urge you to press your green button and vote with the Majority Ought Not to Pass. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Standish, Representative Mack.

Representative **MACK**: Mr. Speaker, Right Honorable Men and Women of the House. I urge you to vote against the pending motion. The question you must ask yourself is who is in charge of their children. It's the parents, of course. Who provides for them, who provides them with their food, who provides them with their shelter, their clothing and all their other needs. It's the parents.

In the 118th, I served on the Business and Economic Development Committee, we had a bill come before us that was passed and enacted into law. What it said was if a minor gets any body piercing that they need their parent's approval for it. As the Right Honorable Representative from Augusta, Representative O'Brien, said, when her son needed some Tylenol for a bad headache, she hadn't already filled out a form to give her son the Tylenol to give them the okay. She had to go bring it to him. Parents need to okay Tylenol in public schools. Parents need to okay their children playing sports in public schools. Who pays and who is responsible if something goes wrong? It's the parents, of course and the parents, since they are responsible, they are the ones who should know and also, with abortions there are many awful side affects that could happen, there could be massive bleeding, there have been several women who have bled to death after abortions. There's post abortion syndrome, with severe depression over what's happened. If the parents are responsible, shouldn't they know, shouldn't they know of this potential liability, let alone, of the murder of their grandchildren.

This bill would not ban any abortions. Like the bill we had last year that bans minors from getting a nose ring or a bellybutton ring, the bill last year said that parents had to give permission for that to happen. This bill doesn't even go that far, the parents don't even have to give permission. Just one parent has to get notified, not consent, it's just notification and if there's a bad family situation, there are plenty of loop holes in this bill, plenty of ways to be able to talk to another relative, a judge or a social worker, but in a time of crisis, who could be better for a young girl to talk to, who could be better than their parents, that raised them, loved them, cared for them and are responsible for them. We shouldn't just think about involving the parents, we should involve the parents in these situations. We must bring the families closer together in these times of crisis and not allow them to be split apart. Thank you and I urge you to vote against the pending motion.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Portland, Representative Brennan.

Representative **BRENNAN**: Mr. Speaker, Men and Women of the House. As the good Representative Durham pointed out, in 1989 Maine developed an adult involvement law, the current law that we have and what we have before us today, and that law, in fact, became a national model. Since 1989, there have been a number of different attempts in this body, that have come before the Legislature to repeal or undue that good work that was done in 1989. The reason why that law has not been undone and has not been repealed or changed, because it works, because there hasn't been a reason to change what we did in 1989. What we currently have in law does work. A number of speakers have already said, it doesn't make simple sense, a no brainer, to have parental notifications. We already have adult involvement. We already have what works. We don't need to change what we have, or we don't need to put in unnecessary obstacles in the place of women that are making this important decision. Thank you and I hope that you will support the pending motion.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Biddeford, Representative Sullivan.

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. I've chosen not to stand on the other two bills, but I need to stand on this one. I ask you to support the Majority Ought Not to Pass for several reasons. First of all, we have a law that works. If this were a perfect world, we wouldn't need any of these bills. If all the parents were parents I was fortunate enough to have and you were fortunate to have, if all the children had parents like the people that work in here day in and day out, we wouldn't need these. There would be no problem going to speak to your parents, oh there would be the embarrassment, disappointment, but you know this isn't an Ozzie and Harriet world. I see children, middle school, 6th, 7th and 8th grades, I want you to know that in this world there are children coming in who are nightly sexually abused by their mother's boyfriends. They don't dare talk about it, because if they do, their mother will be angry because the boyfriend will be removed from the house. This is all this child knows is his mother, it's not easy to talk together if you're a dysfunctional family. It's hard to understand that and you can blame society and you can blame the movies, you can blame anyone you want, but the fact remains there are children every day that are abused. They are asked to choose between protecting their mother and they put up with this abuse day and night. Uncles, family members, constantly take abuse and children are afraid to add more stress. We have a law that works. They need some help, they go and they get a counselor, but not in a perfect world, not every parent provides for their child. Not every parent offers what I offer to my child or what I'm sure you have offered to your children. We need to remember there are other people out there. Let the law that we have work, please vote with the Majority Ought Not to Pass. Thank you, Mr. Speaker.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. I beg your indulgence, and I promise you this will be the last time I get up to speak on this issue. Three things that the good Representative, Representative Brennan mentioned, very interestingly said that if this was a bad law, how come it hasn't changed. I dare say a lot of laws have been changed that have been on the books a long time, though not too long, last session we had a law that was on the books 60 years, it's called the Hatch Act, or the mini Hatch Act, and Representative Hatch put in a bill to change that. Obviously enough people thought that it needed changing after 60 years. I don't know how long this adult involvement has been on the books, but I dare say it hasn't been 60 years. The previous speaker mentioned about abused children, as was mentioned earlier, this bill has a judicial bypass that will take care of that issue, but the key point that I want to make is the good Representative from Durham went down through a long litany of known adult involvement. Yes, you notice this adult involvement, but not parental involvement, whereas both models having judicial bypass, the present law that we have on the books unfortunately has a parental bypass.

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

Representative **PLOWMAN**: Mr. Speaker, Men and Women of the House. This is a law that works, and it works quite well. Immature young ladies who have already made one bad decision get to make another one, with the help of a school counselor, or

some other adult who may or may not have their best interest in mind. Why has it survived this long, because we have a Legislature that's willing to step in where parents belong and until we have a Legislature that's willing to step out of where parents belong, this will continue to be the law of the State of Maine.

Let me remind you so far this year, you have decided that this young girl must wear a helmet because she doesn't know better and she has to wear a seat belt in the car because she's not smart enough to figure she will go straight through the windshield, if there is an accident. She must not have learned that in school yet, an object of motion continues to stay in motion. You've determined that Joe Camel is a bad influence and she's likely to be persuaded to smoke by some kind of symbol, some kind of idea of glamour and I'm sure we're not through with the things that we're going to decide our children are too stupid to figure out for themselves and that the government will step in and take care of them or that their parents won't do it and if a child is coming to school and has been abused the night before and the teacher is aware of it, that teacher has broken the law by not mandatorily reporting it. That child needs to be protected and if a child has been incested, who better than a judge to go to say my uncle raped me. I need protection and just this very day you decided that DHS has the ability to step in and take children away to protect them from their own parents, but tonight you've decided that you don't want to make them choose between their mom and a perverted boyfriend.

I feel a little schizophrenic, don't you. This says that the child must notify one of the parents or go to a judge, we have judges all over the State of Maine, I can attest to that. Not everybody wants to tell their parents they made a mistake, whether it's backing into another car, getting an F on your report card, or you got pregnant. All carry a different degree of disappointment and anger and you know what as a child you're not suppose to have to do this alone, nobody says young lady you march home and tell your mother you're pregnant, that could just as easily be done in the doctor's office with the doctor sitting right there. Other states have it, we have adult involvement, we have minors, we have children having sex, getting pregnant and being told, don't worry we can take care of this, nobody has to know, it's okay, don't worry. Well what about the next time she gets in trouble, it might not be just being pregnant. I really think as a parent, I need to know what's going on with my child and I will know what's going on with my child, but I'd like you to be the one, you know women die having abortions, they do, I've been reading about them this afternoon. Donna Heins, Lillian Kortez, Michelle Chase to name three, how'd you like to get the call that your daughter didn't tell you she was pregnant, but she just died on the abortion table, or how would you like to be the one in the middle of the night that gets woken up, Mom, I have a fever and you give her a couple of Tylenol and she waits until the next morning to tell the school counselor that she's hemorrhaging, because she can't tell Mom she's had an abortion, because she didn't tell Mom she was going to have an abortion. I wouldn't want to deal with that either. Just a few scenarios for you to think over, but you have told children what they can't and can do and now you're telling them the rest is a free for all. I urge you to vote Ought Not to Pass. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Augusta, Representative O'Brien.

Representative **O'BRIEN**: Mr. Speaker, Ladies and Gentlemen of the House. If you will just indulge me one more

thought, I promise I will not speak again tonight, probably. As most of you know, I have five children and they are very, very different and when I think of these issues, I think they are very representative of the children throughout the state. Some of them are compassionate, some of them are not, some of them are studious, some of them are not, they are very, very different. I have one who is very, very sensitive and it is dawning on me as we've had this discussion, if this child had spent the hundreds of hours agonizing over it, that we're hearing that these women do and decided anyway to have the abortion and I didn't know it, I can guarantee that this child would become extremely depressed and I wouldn't know why. I would try and try to figure it out, grades would suffer, they would probably be shut off in a room, I wouldn't have any idea, and I just wonder, as I'm listening to this discussion how many suicides occur, teenage suicides occur because the child didn't tell and kept it within them and the guilt and shame and everything that goes along with it. I don't think we can forget this. Thank you.

The SPEAKER: The Chair recognizes the Representative from Montville, Representative Weston.

Representative WESTON: Mr. Speaker, Ladies and Gentlemen of the House. A number of years ago, I was at a dog pound with my son, he was looking at a little black Labrador Retriever that was being sort of hoisted upon him by one of the workers at the dog pound. While we were looking at this dog, a woman came in with a fluffy black and white Samoya puppy. This little puppy seemed to like my son and as I looked at this, I really liked that puppy better and as I stood trying to decide how much I should say, I approached my son and we talked about these two puppies and I stopped and said, well you know, you really need to make this decision, I don't want to influence you. He looked at me and said, oh mom, influence me, influence me, he wanted help in making this decision. As I look at this Maine adult involvement law, I see an adult whose saying you choose, I can't tell you one way or another, is that what this child needs in this time of crisis? I thought it was my role as a parent to influence my children, not just to choose a puppy, but as something as important as choosing to have an abortion or not, that is my role and I can do it with love and understanding that no one else can. Thank you.

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

Representative ANDREWS: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative ANDREWS: Mr. Speaker, Men and Women of the House. I'm looking through here for the definition of counselor, I see guidance counselor, I would assume this would be a counselor in school, have these guidance counselors been given training on how to properly counsel a teenager seeking an abortion, have they had the proper training for this, I have a concern regarding that.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Mack.

Representative MACK: Mr. Speaker, Right Honorable Men and Women of the House. To answer the good Representative from York, Representative Andrew's question, no, there's no special requirement for a school guidance counselor to know how to counsel young girls when they have an abortion. I'd also like to point out that in the law as it works, counseling from an approved counselor is a giant loophole. You could go talk to your guidance counselor at school, the same guidance that

allowed to refer you to abortion clinics in times of trouble. You could also see any physician, registered nurse, or licensed practical nurse, I'm sure the abortion clinics have plenty of nurses, and registered physicians and practical nurses, that are ready to counsel you and advise you of your choices, but push you in the way to have an abortion. This is the giant loophole that does nothing to include parents in the decision and nobody on this list needs any special training on how to talk to a young girl about an abortion. They just need to be a guidance counselor, a physician, or a nurse, not a special counselor for this situation. Thank you.

The SPEAKER: The Chair recognizes the Representative from Naples, Representative Thompson.

Representative THOMPSON: Mr. Speaker, Men and Women of the House. You know everybody here that has been speaking seems to be in complete agreement about the fact that the best of all worlds is parental involvement is what should happen. We don't pass our laws for the best of all worlds, we try to have our laws so they fit the real world. I've heard a lot of people stand up and say, I can't imagine this, I can't imagine that, I would do this, or I would want my child to do that. Not all families are so lucky, not all kids are lucky enough to be in such families. The current law allows the child to go to another adult relative, an aunt, or a grandmother, when they can't approach their parents. When we're counseling within a specific requirements of what must be counseled. What about the child that grew up in an abusive family situation? What about the child who is the victim of incest? Wouldn't it maybe be best for them to be able to go to their aunt, or their grandmother to help them get through this situation or would you rather make them go and see the judge and deal with the court situation and if they do go to a counselor, of course the counselor will be mandated to at least report the abuse to the authorities. Let's not kid ourselves, there are kids living out there every day in lives that we can't even imagine. There are 17 year olds living on the streets who don't even know where their parents are and whose parents don't care where they are. Who are we kidding, the kids don't live in the best of all worlds and we have to make the law work for them too, not just for the kids that have a loving family at home. I strongly urge you to support the Majority Ought Not to Pass Report.

The SPEAKER: The Chair recognizes the Representative from Poland, Representative Snowe-Mello.

Representative SNOWE-MELLO: Mr. Speaker, Ladies and Gentlemen of the House. Please let's not fall into the trap of throwing in all the great wonderful parents, throwing them into the bath water. You know putting them with the good and the bad, why do we always have to assume that every parent is going to callus and unkind to their child that's pregnant. You know I really believe that our society, the way it's been set up today is teaching our children to grow up way too fast. We're putting our children, making them make decisions on their own that they should not be making. We're taking rights away from parents left and right because we assume that every parent is a bad parent. Good parents should have notification. You know let's think about it, this is a child, a child bearing a child.

You know I remember when I was a teenager, I felt I knew everything, but I tell you, I don't know what I would have done if I got pregnant, thank the Lord I had the best parents in the world, but I would have been scared to go to them if I got pregnant, I really would have, but I would have gone. I really believe that the way the law stands today, the child doesn't learn responsibility. The way the current law teaches our children to

escape from making the right decision. We force them into making bad decisions. By not letting the parents know that their child is pregnant, you're also denying the parents of a future grandchild that they might welcome with open arms, but we're always assuming. Let's stop assuming and please vote against the pending motion. Let's put some more responsibility back into the parents where it belongs. Thank you.

The SPEAKER: The Chair recognizes the Representative from North Berwick, Representative MacDougall.

Representative **MACDOUGALL**: Mr. Speaker, Ladies and Gentlemen of the House. Something that happened recently to me as a parent, I have five sons, I'm very proud of each and every one of them. My fourth son, Todd, who is currently going to Southern Maine Technical to study law enforcement. He's just finishing up his first year and I do spend most of the week up here when we are in four or five days of session, like we have been, so I am away from home quite a bit and try to stay up to date with what's going on back home with phone calls and so forth. My son will go into law enforcement of some kind, he also has in his mind that he's going to go into the service, perhaps after he gets his degree. He went in to talk to a recruiter and I want you know that there are a lot of people out there that deal with our young people that are very professional and very good people and really do care about the people that they deal with and such is the case with this recruiter. He's a Marine recruiter. He managed to talk to my son in such a way that my son was very close to enlisting just recently, now sometimes, at least with boys, I never did have a daughter, but sometimes young men don't make the brightest decisions and my son who normally does with the counsel of this recruiter almost made a decision unilaterally, something that he would not normally do, but I wasn't around, I was up here, he came very close to signing up and enlisting. Now that wouldn't have been the end of the world. Fortunately, my wife got a hold of me and we had some discussions and so forth and so on, and after we talked my thoughts were that he should get his degree first and then enlist at that point in time. So to make a long story short, the network that we have in my family is very important and must be used, it's there. The recruiter did not know my son the way I know my son.

The current law, to me, puts that recruiter or counselor, or physician, or a nurse kind of on an equal level as parents, under the guise that there are some parents that are not good parents. The thing about parents in the legislation before us that I will support is that it allows the fact that there are more parents such as my wife and myself and most of you folks then there are parents that are not good parents and there is the judicial bypass, there is a safety valve for those parents who don't do the job well. We make decisions and young people have to make a lot of them very quickly, what school they are going to go to, what they're going to do for a career, and like I said earlier had my enlisted, it wouldn't have been the end of the world.

But this when we are talking about abortion, once the decision to abort this baby it's forever. That baby does not come back. The woman often left broken. In the case of my son, and we're talking about, certainly not abortion, but just a career decision, even if he had made the worst decision in the world there was still another path he could go down. He could restart, it wasn't the end of the world if he made a bad decision. But in this case, abortion, that brings up the end, in my opinion. So ladies and gentlemen, I think what the current legislation does is it says parents in the State of Maine are the best network for

their children and this bill supports that and gives that safety valve to those parents. Thank you for listening.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Glynn.

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion and I, too, like many of my colleagues would like to see some parental notification in place in the statute. To say the least, Maine State Law is not consistent and it's particularly not consistent when we take a look at issues dealing with parental notification. I'd like to draw the House's attention to a state law that has been in existence for many years in Title 19, regarding marriage and our state statute regarding marriage says very clearly that a city clerk may not issue a marriage license to a person without written consent of that minor's parents, guardians, or the person of whom the court has given custody permission and it sets forward that in the event that that isn't possible, that they may petition the court to do so. I ask myself why is that law in place and the reason why that law is in place is obviously this marriage is a pivotal point in a young person's life and it's a decision so large and so difficult with so many issues associated that a young person just absolutely would not have the life experience to make that decision before them, to be able to be equipped to make a good decision. So to that we look to the parent. With the issue of abortion, we say that the child doesn't need to look to their parent and in fact, doesn't even need to tell their parent. We say instead, they can look to any adult, or they can look to a counselor. Why would a decision in state law, why would it make sense that we maintain this statute saying that they don't need to consult or notify a parent while at the same time we carry a law on the books that was reviewed and changed as recently as last legislative session, that you, in fact, need to consult that parent and get, not just notification, but written consent in order to perform a marriage. And I say it, and I say to all of you that in the least that's inconsistent and in my mind it's not putting the power and the confidence into the family.

Parents have a very difficult time in parenting, I hear that from my constituents as I speak with them. They feel as though the system is rigged against them, at least many of them do. When issues come about such as the condition that would have a young girl needed an abortion, or even considering having an abortion. Obviously there are things going on in that young person's life that they need a parental figure more than ever. If there was drug abuse going on with that youngster, we'd certainly want the parents to know. If the person has become sexually active, obviously, the parent should need to know and in fact, we have a state law if they would like to unite with another, they in fact have a statutory responsibility to notify and get the permission of the parent and for these reasons I will be voting against the pending motion and urge you also to do the same. I thank you.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Stevens.

Representative **STEVENS**: Mr. Speaker, Men and Women of the House. I stand to remind us that the availability of information never leads to bad decisions. If someone is afforded the information that someone needs then the decision that's made will ultimately result in a good one, because if the information is available than that individual understands the situation and can decide accordingly. Education results in good decisions and the Maine Adult Involvement Law educates young women and girls about their options, about their situation. My

friend from Standish, Adam Mack, alleged that guidance counselors probably were not the best to give guidance, but guidance is not assistance in making decisions, guidance is information. That's what the Maine Adult Involvement Law does. It provides information to people who desperately need information about options. Most adolescents do not get pregnant. Most adolescents do not have abortions. Most adolescents who do get pregnant tell their parents, I think we all agree on this, it's been said time and again. Most of the parents in this chamber claim that their children would probably turn to them for information when they needed it. However, the Maine Adult Involvement Law that we presently have at least works, it allows for those stray few cases where information is not available from the family. These aren't families like ours. These aren't people like the people we know. These are families with problems, people who have a lack of information and the Maine Adult Involvement Law works. I hope that you vote the Majority Ought Not to Pass. It's a terrible situation that someone finds themselves in to have to even consider the information. The least we can do is make that information available.

The SPEAKER: The Chair recognizes the Representative from Wayne, Representative McKee.

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. I've sat very patiently through all these bills in a great deal of turmoil, because I deal with students every day who talk about exactly what we're talking about tonight often. I couldn't agree more with anyone who has spoken tonight than with the good Representative from Orono, Representative Stevens. Students do make good decisions when they have information, be it whether or not they are going to wear robes at graduation or what band they're going to have and I've found that in most cases, just to keep sitting there and asking questions that eventually that group of kids makes a darn good decision about whatever it is they're working on. Especially students who have grown up with parents who have talked to them, asked them about what they're thinking and feeling and helping them to learn to make good decisions all along. But very few minors can talk with their parents, I can tell you truthfully, very few minors can talk with their parents honestly and openly tonight about lots of things. I find it rather interesting that on this issue, parents suddenly want to be notified, they want to know, well I want to ask you, why don't you want to know about what they are doing tonight, or what they are watching, or who they are with, or why they aren't doing their homework, or what drugs they're using, or what's their curfew, and why they're afraid to go to school, or who they're having sex with and what do they think about sex, but no, we want to know at the last possible moment about an abortion. I would suggest to you, that you are the last person your child is going to come to and should not come to if you or I have not been open enough to talk to them about these things that matter to them. Kids are not flip about these issues. They're troubled about them, they want to talk to people. It's important stuff and they know it and they'd love to be able to talk to their parents but they can't. The law is working for children who don't have parents who have shown by example that they are the best adult involved in their lives to talk to. I would suggest that we accept the Majority Ought Not to Pass and move on.

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. 262

YEA - Bagley, Baker, Berry RL, Bolduc, Brennan, Brooks, Bruno, Bull, Cameron, Chick, Cianchette, Colwell, Cowger, Davidson, Dudley, Dugay, Dunlap, Duplessie, Etnier, Frechette, Fuller, Gagne, Gagnon, Goodwin, Gooley, Green, Hatch, Jabar, Jacobs, Jodrey, Jones, Kane, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, Mailhot, Marvin, Mayo, McDonough, McGlocklin, McKee, Mitchell, Murphy T, Muse, Norbert, Nutting, O'Brien LL, O'Neil, Peavey, Perkins, Pieh, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Skoglund, Stanwood, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, True, Twomey, Volenik, Watson, Wheeler GJ, Williams, Mr. Speaker.

NAY - Ahearne, Andrews, Belanger, Berry DP, Bouffard, Bowles, Bragdon, Bryant, Bumps, Campbell, Carr, Chizmar, Clark, Clough, Collins, Cross, Daigle, Davis, Desmond, Duncan, Foster, Gerry, Gillis, Glynn, Heidrich, Honey, Joy, Kasprzak, Kneeland, MacDougall, Mack, Madore, Martin, Matthews, McAlevey, McKenney, McNeil, Mendros, Murphy E, Nass, O'Brien JA, Pinkham, Plowman, Samson, Sanborn, Savage C, Shields, Shorey, Sirois, Snowe-Mello, Stanley, Stedman, Tobin D, Tobin J, Trahan, Treadwell, Usher, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Buck, Cote, Fisher, Labrecque, O'Neal, Perry, Povich, Tuttle.

Yes, 82; No, 61; Absent, 8; Excused, 0.

82 having voted in the affirmative and 61 voted in the negative, with 8 being absent, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Ban Partial Birth Abortion"

(I.B. 1) (L.D. 1593)

Minority (3) **OUGHT TO PASS AS AMENDED** Report of the Committee on **JUDICIARY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-627)** in the House on May 20, 1999.

Came from the Senate with the Majority (10) **OUGHT NOT TO PASS** Report of the Committee on **JUDICIARY READ** and **ACCEPTED** in **NON-CONCURRENCE**.

Representative THOMPSON of Naples moved that the House **RECEDE AND CONCUR**.

The same Representative **REQUESTED** a roll call on his motion to **RECEDE AND CONCUR**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Recede and Concur. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 263

YEA - Bagley, Baker, Berry RL, Bolduc, Brennan, Brooks, Bruno, Bull, Cameron, Colwell, Cowger, Daigle, Davidson, Dudley, Dunlap, Duplessie, Etnier, Frechette, Fuller, Gagne, Gagnon, Goodwin, Green, Hatch, Jabar, Jacobs, Jodrey, Kane, LaVerdiere, Lindahl, Lovett, Mailhot, Marvin, Mayo, McGlocklin,