

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Twenty-First Legislature
State of Maine

Volume I

First Regular Session

December 4, 2002 – May 23, 2003

Pages 1-776

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

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. This LD, LD 126, has more legislative mileage on it than probably all of our bills put together. It originally came to us in the form that I am going to ask you to accept tonight, but it is has had a subcommittee and we had a compromise. The compromise didn't work. It fell apart. The department didn't want something.

Let me tell you what this bill now does. At one time we were asked by organized labor to put a certified worker in propane type work on the regulating board. Because the department did not want to enlarge any boards, nor did the committee, quite frankly, we decided to pass it, but when the natural vacancy becomes open, it would be replaced with organized labor. That came out of committee and it came back here and to the Senate and somewhere along the line lots of people began to talk. The board regulates itself and raises its own fees and the propane industry and organized labor asked us to go back to the original place, the bill and to add the member without taking off the industry's member, propane.

The department agreed because they pay fees to cover their expenses. Both sides want to cover their expenses by this bill. What we have is a compromise of the interested parties that have asked us to now okay this bill with what they would like to see happen. My amendment puts an original fiscal note on it, not from the general fund, but from the fees that the regulating boards collect themselves. It is the request of propane. It is the request of organized labor that we accept this bill with the fiscal note we have now put on. They see it as being important. I would ask you to agree with what industry and organized labor have asked for us to work with them on. Thank you very much.

Subsequently, **House Amendment "A" (H-503)** was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-503)** in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

HOUSE DIVIDED REPORT - Majority (9) Ought Not to Pass - Minority (4) Ought to Pass - Committee on JUDICIARY on Bill "An Act To Amend the Abortion Reporting Laws To Eliminate Immunity for a Physician Who Reports Data on an Abortion"

(H.P. 242) (L.D. 299)

TABLED - May 20, 2003 (Till Later Today) by Representative **NORBERT** of Portland.

PENDING - Motion of same Representative to ACCEPT the Majority OUGHT NOT TO PASS Report.

Representative **DUPREY** of Hampden **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: 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. 154

YEA - Annis, Ash, Barstow, Bennett, Blanchette, Bliss, Bowen, Brannigan, Breault, Brown R, Browne W, Bruno, Bull, Bunker, Campbell, Canavan, Churchill E, Churchill J, Collins, Cowger, Craven, Cummings, Daigle, Dudley, Dunlap, Duplessie, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Greeley, Grose, Hotham, Jacobsen, Jodrey, Kaelin, Kane,

Koffman, Laverriere-Boucher, Ledwin, Lemoine, Lerman, Lessard, Lewin, Maietta, Mailhot, Makas, Marley, Marraché, McCormick, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Millett, Mills J, Mills S, Moody, Moore, Murphy, Muse, Norbert, Nutting, O'Brien J, O'Brien L, Pellon, Percy, Perry A, Pingree, Piotti, Rector, Richardson E, Richardson J, Richardson M, Rines, Rosen, Sampson, Saviello, Shields, Simpson, Smith N, Sukeforth, Sullivan, Suslovic, Sykes, Thomas, Thompson, Twomey, Usher, Walcott, Watson, Woodbury, Wotton, Mr. Speaker.

NAY - Andrews, Austin, Berry, Berube, Bierman, Bowles, Bryant-Deschenes, Carr, Clark, Clough, Courtney, Cressey, Crosthwaite, Curley, Davis, Duprey B, Duprey G, Fletcher, Glynn, Heidrich, Honey, Jackson, Joy, Landry, Lundeen, Paradis, Patrick, Peavey-Haskell, Rogers, Snowe-Mello, Stone, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Young.

ABSENT - Adams, Dugay, Goodwin, Hatch, Hutton, Jennings, Ketterer, Norton, O'Neil, Perry J, Pineau, Sherman, Smith W, Tardy, Wheeler.

Yes, 99; No, 37; Absent, 15; Excused, 0.

99 having voted in the affirmative and 37 voted in the negative, with 15 being absent, and accordingly 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**.

HOUSE DIVIDED REPORT - Majority (9) Ought Not to Pass - Minority (4) Ought to Pass as Amended by Committee Amendment "A" (H-434) - Committee on JUDICIARY on Bill "An Act To Establish and Enforce Abortion Facility Safety Requirements"

(H.P. 804) (L.D. 1101)

TABLED - May 20, 2003 (Till Later Today) by Representative **NORBERT** of Portland.

PENDING - Motion of same Representative to ACCEPT the Majority OUGHT NOT TO PASS Report.

The SPEAKER: The Chair recognizes the Representative from Baldwin, Representative Cressey.

Representative **CRESSEY**: Mr. Speaker, Ladies and Gentlemen of the House. I ask for a roll call. This bill is actually from my wife. It was my understanding when I submitted the bill last year that this had been brought up before so we pretty much adopted the language that was in there before. The perspective that we are coming from is, just a little background here, my wife is a former employee of Maine Medical Center. She is actually contemplating going back to work there. She worked in the surgery room. During surgery she would be present to deal with various things that needed to be cleaned up, removed or whatever the case may be. When my wife gave notification that she would be terminating employment with our newborn son to be able to take care of him, they offered her a lot of pretty good incentives, like a much larger pay. That was very encouraging for her. She did very good work. It was very rare that one of the patients that would be operated on, or whatever the case may be, would get any type of infection. In fact, as recent as last week, they had called back to ask her when is she coming back to resume her duties there? She is one of the few people that have a strong enough stomach, I certainly don't, to be able to be in an operating room, to clean up the mess that is left there and to ensure that the mandates that we probably have in place for a clean surgical room be maintained. They never had to reprimand

my wife, correct her or follow up on her when it came to cleaning such a room.

In the past, I think probably six years, my wife had two miscarriages. Both times she had gone to the same gynecologist that we have always had. The gynecologist is such a nice guy that I wish I could marry him myself. The second time that she miscarried, I was there both times with her dealing with what needed to be taken care of, there was a non-surgical room, a room that does not need to have the same type of cleanliness status as a surgical hospital room. That should not be the case. The second time my wife received a serious infection. I am certainly not an expert when it comes to cleaning. I am sure if she was here right now she would say, amen to that and rib me in the side for not being as clean as she is. Even I could tell that that room she was in to deal with the results of the miscarriage was not clean. You could see bodily fluids in certain areas that were not properly cleaned up. A janitor when cleaning the restroom or the hallway should not be able to use the same mop to clean those rooms as he would in a day surgery or a minor surgery room or a doctor's office. There certainly should be a much higher standard. This bill certainly seeks to do that.

Finally, Mr. Speaker, I would encourage you to vote against the pending motion of Ought Not to Pass and to go on and support this bill. Thank you.

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

Representative **BULL**: Mr. Speaker, Men and Women of the House. I urge you to support the bipartisan Ought Not to Pass Report on this bill. What we have before us is an excessive regulation. This bill would place undo burdens and standards upon facilities that provide abortions that are inconsistent with the risk of the procedures that are being performed there.

I want to read to you some highlights from the testimony from Dr. Dora Ann Mills. She is the director of the Bureau of Health in the Department of Human Services. She says, "This bill would place an undo burden on offices where abortions are performed. A burden that is not placed upon offices where medical procedures with similar risks are performed, for instance, doctor's offices that perform vasectomies, biopsies, circumcisions, oral surgeries, cataract surgeries or lens correction surgeries. None of these facilities have been required to meet these standards. The risks on those procedures are all very similar. If this bill passed, these facilities that provide these abortions would be required to get a certificate of need from the state. They would have to provide a full operating room, which would include cardiac defibrillation equipment. They would need to provide a separate recovery room and waiting area. It would be nearly impossible for the confidentiality of the abortion providers to be protected. The regulatory burdens required by this bill are unnecessary and appeared to only serve the purpose of inhibiting physicians from offering abortions to their patients."

I would ask you, ladies and gentlemen, to again join the majority members of this committee who saw this as an unnecessary regulation, unnecessary burden, placed upon these facilities. These facilities already have to meet certain health standards and these health standards are consistent and appropriate for the procedures being provided. Thank you Mr. Speaker.

Representative **CRESSEY** of Baldwin **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: 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. 155

YEA - Adams, Ash, Barstow, Bennett, Bierman, Blanchette, Bliss, Bowen, Brannigan, Breault, Brown R, Browne W, Bruno, Bull, Bunker, Campbell, Canavan, Churchill E, Churchill J, Collins, Courtney, Cowger, Craven, Cummings, Daigle, Dudley, Dunlap, Duplessie, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Greeley, Grose, Jacobsen, Jodrey, Kaelin, Kane, Koffman, Laverriere-Boucher, Ledwin, Lemoine, Lerman, Lessard, Lewin, Maietta, Mailhot, Makas, Marley, Marraché, McCormick, McGlocklin, McKee, McKenney, McLaughlin, McNeil, Millett, Mills J, Mills S, Moody, Moore, Murphy, Muse, Norbert, Nutting, O'Brien J, O'Brien L, Pellon, Percy, Perry A, Pingree, Piotti, Rector, Richardson J, Rines, Rosen, Sampson, Saviello, Shields, Simpson, Smith N, Sukeforth, Sullivan, Suslovic, Sykes, Thomas, Thompson, Tobin D, Trahan, Twomey, Usher, Walcott, Watson, Woodbury, Wotton, Mr. Speaker.

NAY - Andrews, Annis, Austin, Berry, Berube, Bowles, Bryant-Deschenes, Carr, Clark, Clough, Cressey, Crosthwaite, Curley, Davis, Duprey B, Duprey G, Fletcher, Glynn, Heidrich, Honey, Hotham, Jackson, Joy, Landry, Lundeen, Paradis, Peavey-Haskell, Richardson E, Richardson M, Rogers, Sherman, Snowe-Mello, Stone, Tobin J, Treadwell, Vaughan, Young.

ABSENT - Dugay, Goodwin, Hatch, Hutton, Jennings, Ketterer, McGowan, Norton, O'Neil, Patrick, Perry J, Pineau, Smith W, Tardy, Wheeler.

Yes, 99; No, 37; Absent, 15; Excused, 0.

99 having voted in the affirmative and 37 voted in the negative, with 15 being absent, and accordingly 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**.

HOUSE DIVIDED REPORT - Majority (9) **Ought Not to Pass** - Minority (4) **Ought to Pass** - Committee on **JUDICIARY** on Bill "An Act To Protect the Mental Health of Women and Girls"

(H.P. 805) (L.D. 1102)

TABLED - May 20, 2003 (Till Later Today) by Representative NORBERT of Portland.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Representative **DUPREY** of Hampden **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: 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. 156

YEA - Adams, Ash, Barstow, Bennett, Blanchette, Bliss, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bull, Campbell, Canavan, Churchill E, Churchill J, Collins, Cowger, Craven, Cummings, Curley, Daigle, Dudley, Dunlap, Duplessie, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Greeley, Grose, Jacobsen, Jodrey, Kaelin, Kane, Koffman, Landry, Laverriere-Boucher, Ledwin, Lemoine, Lerman, Lessard, Lewin, Maietta, Mailhot, Makas, Marley, Marraché, McCormick, McGlocklin, McGowan, McKee, McKenney,