

MAINE STATE LEGISLATURE

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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, Richardson M, 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, Bierman, Bryant-Deschenes, Carr, Clark, Clough, Courtney, Cressey, Crosthwaite, Davis, Duprey B, Duprey G, Fletcher, Glynn, Heidrich, Honey, Hotham, Jackson, Joy, Lundeen, Paradis, Peavey-Haskell, Richardson E, Rogers, Sherman, Snowe-Mello, Stone, Tobin J, Treadwell, Vaughan, Young.

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

Yes, 101; No, 35; Absent, 15; Excused, 0.

101 having voted in the affirmative and 35 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-436)** - Committee on **JUDICIARY** on Bill "An Act To Amend the Laws Governing Abortion Reporting"

(H.P. 832) (L.D. 1129)

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 Falmouth, Representative Davis.

Representative **DAVIS**: Mr. Speaker, Ladies and Gentlemen of the House. This is my bill, LD 1129. It is a fairly straightforward bill. What it does is this? It requires the full completion of abortion reports that are required for the Department of Human Services. It provides for the reporting by the department to the Board of Licensure in Medicine for every violation. It specifies certain information that must be completed on the form. I have done quite a bit of research on this and it is interesting. I spent almost an hour with the Revisor and it keeps doctor's immunity in tact. It also will not publish their names in the paper. There is a fine connected with it, but simply stated it asks if the abortion is in the first month, second month, third month, fourth month, fifth month and what procedure was used? Was it partial birth abortion or some other procedure?

It is interesting as I did this research to find out exactly what the state does and does not do. No physician, nurse or other person who refuses to perform or assist in the performance of an abortion shall be, because of their refusal, dismissed, suspended, demoted or otherwise prejudiced or damaged by the hospital health care facility. We already regulate abortion to a higher degree. Whenever an abortion procedure is a live birth, failure to take all responsible steps in keeping with good medical practice to preserve the life and health of the live born person should be subject to responsible party or parties to the Maine law governing homicide, manslaughter and civil liability for wrongful death and malpractice.

I could go on, but I am not going to read all this. It is very, very interesting reading. I invite you to go to the library and look it up. My bill only asks that they obey what is in state law to begin with, to report what happened, when it happened and how it happened. There is a fine connected with this if the physician does not do this. His or her names will not be in the paper, but, yes, eventually somebody could find out if you commit a crime. I urge you to really look at this and enforce what the state law is to begin with. State law says you must report this. Let's obey what we already have. Thank you very much.

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

Representative **NORBERT**: Mr. Speaker, Ladies and Gentlemen of the House. This bill is unnecessary. It would alter the current reporting laws regarding abortion statistics. We found that the rates of adequately completing these forms are excellent in this state. It is already being done. Ninety-five percent of the information requires that it be completed on time and submitted to the department. There is an even higher rate of return for these procedures. What you can find in this bill, despite the good Representative from Falmouth's efforts, is that if any mistake is made on a form by a doctor, the most common spaces that aren't filled out tend to be the patients marital status, their ancestry or the last grade they completed in school. If there is any mistake like that, then indeed as the Representative conceded, the physician's name can become public. That is what we are concerned about, danger to these physicians who already have been put at risk as we have seen from around the country. The rates of completing these forms are very good. The bill would place unnecessary penalties on physicians. We think adequate penalties already exist and current Maine law requires the department to ensure the confidentiality of the names of the abortion providers. We think this is very important. I do urge you to resist this bill and join with the majority of the committee in voting Ought Not to Pass. Thank you.

The Chair ordered a division on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative **DAVIS** of Falmouth **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. 157

YEA - Adams, Ash, Barstow, Bennett, Blanchette, Bliss, Bowen, Brannigan, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Bunker, Campbell, Canavan, Churchill J, Cowger, Craven, Cummings, Daigle, Dudley, Dunlap, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Greeley, Grose, 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, Moore, Murphy, Muse, Norbert, Nutting, O'Brien J, O'Brien L, Pellon, Percy, Perry A, Pingree, Piotti, Rector, Richardson E, Richardson J, Rines, Rosen, Sampson, Saviello, Shields, Simpson, Smith N, Smith W, Sukeforth, Sullivan, Suslovic, Thomas, Thompson, Tobin D, Treadwell, Twomey, Usher, Walcott, Watson, Woodbury, Wotton, Mr. Speaker.

NAY - Andrews, Annis, Austin, Berry, Berube, Bierman, Bowles, Carr, Churchill E, Clark, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Davis, Duprey B, Duprey G,

Fletcher, Glynn, Heidrich, Honey, Hotham, Jacobsen, Joy, Landry, Lundeen, Moody, Paradis, Peavey-Haskell, Richardson M, Rogers, Sherman, Snowe-Mello, Stone, Sykes, Tobin J, Trahan, Vaughan, Young.

ABSENT - Dugay, Duplessie, Gerzofsky, Goodwin, Hatch, Hutton, Jackson, Jennings, Ketterer, Norton, O'Neil, Patrick, Perry J, Pineau, Tardy, Wheeler.

Yes, 94; No, 41; Absent, 16; Excused, 0.

94 having voted in the affirmative and 41 voted in the negative, with 16 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**.

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

HOUSE DIVIDED REPORT - Majority (10) **Ought Not to Pass** - Minority (3) **Ought to Pass as Amended by Committee Amendment "A" (H-498)** - Committee on **JUDICIARY** on Bill "An Act To Require the Payment of Certain Costs Incurred by a Prevailing Party in Court Proceedings by or against Maine Revenue Services"

(H.P. 581) (L.D. 782)

Which was **TABLED** by Representative **BULL** of Freeport pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

Subsequently, 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**.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act To Protect Consumer Privacy Rights"

(H.P. 509) (L.D. 692)

Signed:

Senator:

SHOREY of Washington

Representatives:

O'BRIEN of Lewiston

AUSTIN of Gray

BERUBE of Lisbon

JACOBSEN of Waterboro

RECTOR of Thomaston

ROGERS of Brewer

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-218)** on same Bill.

Signed:

Senators:

BROMLEY of Cumberland

HALL of Lincoln

Representatives:

SULLIVAN of Biddeford

DUPREY of Medway

PELLON of Machias

SMITH of Monmouth

READ.

Representative **SULLIVAN** of Biddeford moved that the House **ACCEPT** the **Minority Ought to Pass as Amended** Report.

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

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. This seems to be my day to talk about changes in things that have happened in the committee. We really do have a terrific committee. Because we have such a terrific committee, we continue to talk about things after. This was one that the Representative from Wayne, Representative McKee, had brought to us and at first in the hope that we would meet our deadlines that the presiding officers had given us, we rushed it more than we wanted to. Representative McKee is concerned about the giving of the social security number to anybody that asks for it to do business, be it a cell phone or going into to register for newspapers. After we put this report together, many of my members came to me and said that they had rethought about it and they would have been happy to come onto the other report. I think some of them will testify to that today or speak to that today.

I am asking that you pass what appears to be a **Minority Report** right now. It probably will make more sense to you as people speak. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Gray, Representative Austin.

Representative **AUSTIN**: Mr. Speaker, Colleagues of the House. I rise on this issue to share that I had been part of the **Ought Not to Pass** vote, but due to information that has come across my desk since the committee voted, I, along with, I believe, some of the other committee members will be voting for the **Ought to Pass as Amended**. Thank you.

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

Representative **O'BRIEN**: Mr. Speaker, Men and Women of the House. I rise today to confess. I confess I had a senior moment, only one, and therefore, I would like to change my vote from **Ought Not to Pass** to **Ought to Pass**. Thank you very much.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. This is an important consumer protection bill. I am very pleased that the committee did give some additional serious consideration to the bill. As you have heard earlier this year, identity theft across the country is rampant. The federal trade commission reported that 43 percent of the complaints that it had received last year were due to identity theft problems. That amounted to 700,000 complaints. This is something we heard about even a few years ago. If, like me, you are being asked for social security number now in places where you never dreamed you would be asked for your social security number, you have a good reason to be alarmed.

First of all, 1974 we pass the National Privacy Act. In that act it said that your social security number was not to be used as an identification number and you weren't required to disclose it. There have been some amendments to that act and there have been some exemptions. That is why this bill says, except as otherwise stated in federal or state law, a business or entity may not deny you goods or services if you fail to disclose your social security number. We all know there are places where we have to. Financial institutions, if you are opening an account that is an