

MAINE STATE LEGISLATURE

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pregnancies instead of fighting over how to react to it, it is time to put prevention first.

I ask my colleagues, members with varying faiths, beliefs and views on abortion, to join me in supporting this bill. This bill would ask the Bureau of Health to assess what information we can use to continue the remarkable success that Maine has had in reducing the incidences of unintended pregnancy and, subsequently, the number of abortions. Yes, it also bears noting that Maine has done an incredible job in the reduction of unintended pregnancy.

Maine has one of the lowest teen pregnancy rates in the country and saw the steepest decline in the nation during the 1990s. The number of abortions in Maine has been cut in half over the last 15 years. Maine's overall abortion rate is half the national average. Two major factors have been associated with these successes, free and low cost access to preventative reproductive healthcare and a standard of comprehensive family life education that begins with abstinence and provides full information to our youth. We need to focus our attention on other ways to prevent unintended pregnancy. This approach is the best strategy to meeting everyone's goal and reducing the number of abortions in Maine. Please join me in supporting LD 1512.

Subsequently, the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Resolve was **READ ONCE**. Committee Amendment "A" (H-664) was **READ** by the Clerk and **ADOPTED**. The Resolve was assigned for **SECOND READING** later in today's session.

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 of Teenage Abortions"

(H.P. 1112) (L.D. 1575)

Signed:

Senators:

HOBBS of York
BROMLEY of Cumberland
HASTINGS of Oxford

Representatives:

PELLETIER-SIMPSON of Auburn
FAIRCLOTH of Bangor
GERZOFKY of Brunswick
CANAVAN of Waterville
BRYANT of Windham
DUNN of Bangor

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-649)** on same Bill.

Signed:

Representatives:

SHERMAN of Hodgdon
CARR of Lincoln
BRYANT-DESCHENES of Turner
NASS of Acton

READ.

Representative PELLETIER-SIMPSON of Auburn moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The **SPEAKER**: The Chair recognizes the Representative from Auburn, Representative Pelletier-Simpson.

Representative **PELLETIER-SIMPSON**: Mr. Speaker, Men and Women of the House. We all share the common goal of

continuing to reduce the need for abortion and unintended teen pregnancy. The bill before you however would be a giant step in the wrong direction, threatening the health and privacy of Maine's young women.

The Maine Legislature first debated mandated parental consent in 1979, again in 1983, 1985 and 1987 and in 1989 the Legislature recognized the need to better address the issues that arise when a minor seeks abortion services and passed the adult involvement law. Its passage resulted from a broad consensus that young women that are under 18 and making decisions about their pregnancies need support and guidance. They should not and need not make those choices alone. Parental involvement and guidance are ideal for young women facing crisis pregnancies. When this is not possible Maine's teens should have the option of turning to another trusted adult for support and council.

Government cannot mandate good family communication. While most women find love, support and safety in their home a few fear that they would be physically or emotionally abused if forced to disclose their pregnancy. The bill before you would mandate parental notification for all young women facing a crisis pregnancy and choosing to have an abortion. If a parent is not a safe option the young woman would have to present clear and convincing evidence to a judge in their local court that she was capable of making this decision or was the victim of physical or sexual abuse. Imagine how overwhelming it would be for a young woman without a lawyer to maneuver the legal procedures required for a judicial bypass. Many experience fear and distress and do not want to reveal intimate details to strangers in a courtroom and are courts and judges the right place for a young woman to go? The adult involvement law ensures that a psychiatrist, psychologist, social worker, ordained clergy member, physician, physician's assistant, nurse practitioner, guidance counselor or registered nurse provide counseling and support the young woman. This law would repeal this critical counseling requirement.

The adult involvement law encourages family communication while providing every young woman with the guidance and support necessary to consider and evaluate all of the options available to her. Please oppose LD 1575. It is a step in the wrong direction for Maine's young women. Thank you.

Representative **CRESSEY** of Cornish **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**: The Chair recognizes the Representative from Cornish, Representative Cressey.

Representative **CRESSEY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This is an issue that hits home directly for me. My daughter Amanda is 13. She is a special ed student at Socopee Valley High School and has won many medals at the Special Olympics events in Orono and Gorham and she will, in fact, be competing this weekend in Orono. Her best event is in running and she is one of the super fast people there and you can almost always guarantee that she will get a gold medal in that area. I try to encourage her to be on the high school team, but she is a little intimidated to do so though I know she would do very well competing at the high school level.

I would like to read my daughter's testimony as she presented it to the committee when this bill was heard, a copy of which I submit to you and would like to be entered on the record. This is what she has to say in her own words. "I am a supporter to the bill. I have heard about a 13 year old girl who is pregnant and

she had a pregnancy test. The school nurse took her off school grounds and did not tell her parents. I think that was wrong of the school nurse to do that because she did not tell the principal and she did not tell the parents and this nurse got fired and now there is a new nurse for the rest of the year." To preface this you may have heard in the news what was going on up in northern Maine a few months ago with this particular incident and my daughter had heard this on the radio and had asked me questions about this particular matter and this is what's referenced here. To continue with my daughter's letter, "If the parent did not know about this pregnancy and yes, the 13 year old girl should tell her parents about this and I hope her dad would not hurt her, but if she is afraid to tell her parents then she cannot get help about it and yet no one will know when the baby will come or not. But the 13 year old girl needs to know that her parents love her and will take care of her and trust her and she needs to trust them and let them know what is going on in her life. She needs to trust her parents, not the government." This is what a 13 year old thinks Ladies and Gentlemen of the House.

My wife Patria and I are responsible to rear our daughter the way that we believe that God wants us to. The government, at any level, should not interfere nor hide from responsible parents what goes on in a minor's life. No member of this body and no bureaucrat here in Augusta or anywhere in Maine know the unique needs of my daughter more than my wife or I do.

I work hard everyday to teach my daughter how to enunciate her words properly, the best way to clean a room and some good talk on boys and relationships with others. When it comes to questions about sex I do what any responsible father does. I tell her to go talk to her mother.

I love my daughter very much and would never harm her in anyway even if she were to become pregnant out of wedlock. Her schoolteachers should not have a greater authority over my daughter's body than herself or her parents. I ask you to join me in opposing this Ought Not to Pass motion and to go on to the Minority Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Marraché.

Representative MARRACHÉ: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I never thought that I would stand up twice in one day when I haven't talked this whole session, but on this bill I feel the need to do so because of a recent event that occurred in my own practice not more than a month ago. That was when a young girl came to my office to talk about a pregnancy that she had just found out about and didn't know what to do about it. We spent an enormous amount of time discussing it and I highly encouraged her to speak with her mother and she the said that I didn't understand and that her mother didn't want here to keep it.

I didn't believe it. I told her to go get her mother. She was in the waiting room. I said that with me in the room I am sure that we can work this out. It was not a lie. She was telling the truth. The mother was adamant that this girl was going to have an abortion whether she wanted it or not and we spent a long time arguing almost. So, if you make children talk to their parents and they are saying that their parent does not want this then they are probably right. There is a reason sometimes that children do not get their parents involved. In fact, the young girl said if only I had found out when it was too late, then she couldn't have forced me to do this or make me.

Think very carefully when you make this vote. Sometimes you don't want your parents involved. Thank you.

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

Representative MUSE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The traditional strength of the Republican Party has been its ability to respect the diverse viewpoint of rank and file members. Last year the GOP illustrated this commitment to diversity by passing a party platform amendment supported by the Republican Majority for Choice and the National Right to Life Committee, which stated, "We are the party of the open door and that we respect and accept that members of our party have deeply held and sometimes differing views." I join my peers in celebrating these traditional GOP principles of privacy, personal freedom and minimal government intrusion into American's lives.

On the very personal issue of abortion many seem to have the attitude that government should make this decision and that individual Americans are incapable of thinking or deciding for themselves on this terribly anguishing and very intimate issue. As a long time supporter of the right to choose I have never believed that the Legislature should interfere with deeply personal and private decisions that women sometimes face regarding unintended and crisis pregnancies. A lot of my colleagues agree with me and alot do not.

We are never going to unite our state around a particular set of religious beliefs, nor would we want to. In fact, we should be particularly vigilant against blurring the lines between religion and government that is occurring in our country today. However, we can unite our country around practical policies that improve the collective life of all our people.

The bill before you right now will not improve the quality of healthcare for young women facing crisis pregnancies. It will not reduce the number of abortions in our state. It will not promote better family communication. It will simply place more roadblocks in front of women who are grappling with a very difficult decision of whether or not to have an abortion. Some of these in our state find themselves in this crisis because of the very close relatives that we are asking to consult. Think about that.

For many reasons they cannot go to mom and dad to discuss the situation that they find themselves in, as we have seen. So, I ask you to join me today in opposing this bill and in demonstrating that a commitment to core principles of privacy, personal freedom and minimal government intrusion is truly bipartisan. Thank you.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Babbidge.

Representative BABBIDGE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have three daughters and through those three daughters I feel parental to their immediate friends so there are about 15 to 20 young ladies that I feel very close to from their growing up and I also teach juniors and seniors in high school and the kids in our classes are very special. So, I feel particularly in tune with an age group that would be very much affected by this legislation.

I am also a Baby Boomer. What I have observed from my generation of parents is that we want the best for our kids. We are the ones with the video cameras. We go to all of the sporting events and plays and what have you and I am sure that we consider ourselves good parents. I guess the reason that I bring that up is that we are all concerned about that child that is afraid to go to their parent because of devout religious feelings, the fear of an angry parent and so forth, but I also think that there are those kids that just don't want to disappoint their parents. I think we are talking about a much larger group here than merely those that fear their parents, but also those that love them and don't want to disappoint them and to me this bill is not about parental rights. As a parent I want to be there for my kid. But, it is actually the young woman's choice as to where she needs to go

and the fact is that requiring this could force a person to go to alternative means or may even make them contemplate suicide. To me, this bill is not as much about parental rights as it is about the safety of young women in this state. Thank you.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative Jacobson.

Representative JACOBSEN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Today has been very difficult for me. I have had difficulty making decisions on the many questions. When we make those decisions others look at us and judge us. They don't know our personal experiences or our past history and they don't know why we have decided to vote one way or the other on questions about gay rights, questions about abortion, questions about parent's rights. No matter how many of us answer these questions with a red or a green light others in the audience and others in this chamber will not understand why we made that decision. Some of us will try to judge each other. It is a very difficult situation. 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. 282

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchette, Bliss, Bowen, Brannigan, Brautigam, Brown R, Bryant, Cain, Campbell, Canavan, Churchill, Craven, Cummings, Daigle, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Flood, Gerzofsky, Goldman, Grose, Hanley B, Hanley S, Harlow, Hogan, Hotham, Hutton, Jacobsen, Jennings, Jodrey, Kaelin, Koffman, Lerman, Makas, Marean, Marley, Marraché, Mazurek, McCormick, Merrill, Miller, Millett, Mills, Moody, Muse, Norton, Nutting, O'Brien, Ott, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Plummer, Rector, Richardson D, Rines, Rosen, Sampson, Saviello, Schatz, Smith N, Smith W, Thompson, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Bishop, Blanchard, Bowles, Browne W, Bryant-Deschenes, Carr, Cebra, Clark, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Davis G, Davis K, Duprey, Edgecomb, Emery, Fletcher, Glynn, Greeley, Hall, Hamper, Joy, Lansley, Lewin, Lindell, Lundeen, McFadden, McKane, McKenney, McLeod, Moore G, Moulton, Nass, Paradis, Pinkham, Richardson E, Richardson M, Richardson W, Robinson, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Tuttle, Vaughan.

ABSENT - Berube, Bierman, Burns, Crosby, Fitts, Jackson.

Yes, 91; No, 54; Absent, 6; Excused, 0.

91 having voted in the affirmative and 54 voted in the negative, with 6 being absent, and accordingly the Majority Ought Not to Pass Report was **ACCEPTED** and sent for concurrence.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Eliminate Estate Taxes on Family-owned Businesses"

(H.P. 321) (L.D. 436)

Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-589)** in the House on June 3, 2005.

Came from the Senate with the Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **TAXATION READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **ADHERE**.

ORDERS

On motion of Representative BRANNIGAN of Portland, the following Joint Order: (H.P. 1194)

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs shall report out, to the House, a bill to address pension cost reduction bonding.

READ and **PASSED**.

Sent for concurrence. **ORDERED SENT FORTHWITH**.

Reference was made to Bill "An Act To Allow Counties a One-year Exemption For Jail Costs from the Limitation on County Assessments"

(H.P. 1175) (L.D. 1666)

In reference to the action of the House on June 3, 2005 whereby it Insisted and Asked for a Committee of Conference, the Chair appointed the following members on the part of the House as Conferees:

Representative BARSTOW of Gorham

Representative GROSE of Woolwich

Representative BISHOP of Boothbay

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act Regarding Occupational Safety and Health Training for Workers on State-funded Construction Projects"

(H.P. 1146) (L.D. 1628)

Minority (5) **OUGHT NOT TO PASS** Report of the Committee on **LABOR READ** and **ACCEPTED** in the House on June 7, 2005.

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **LABOR** in **NON-CONCURRENCE**.

Representative RICHARDSON of Brunswick moved that the House **RECEDE AND CONCUR**.

Representative DUPREY of Hampden **REQUESTED** a roll call on the 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: The Chair recognizes the Representative from Portland, Representative Cummings.

Representative CUMMINGS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Colleagues in the Senate have requested that this be recommitted and we are asking that this piece of legislation be recommitted back to the Labor Committee and I think that it is a reasonable procedural request and I ask that you respect that.

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.