

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Second Legislature

State of Maine

Daily Edition

First Special Session
April 4, 2005 to June 17, 2005

Pages 411 - 1350

Signed:

Representatives:

CARR of Lincoln
BRYANT-DESCHENES of Turner
NASS of Acton

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

Senator **HOBBS** of York moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

On motion by Senator **WESTON** of Waldo, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#240)

YEAS: Senators: BARTLETT, BRENNAN, BROMLEY, BRYANT, COWGER, DAMON, DIAMOND, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NUTTING, RAYE, ROSEN, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, TURNER, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: ANDREWS, CLUKEY, COURTNEY, DAVIS, DOW, NASS, PERRY, PLOWMAN, SAVAGE, SNOWE-MELLO, WESTON

24 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator **HOBBS** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Out of order and under suspension of the Rules, the Senate considered the following:

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **JUDICIARY** on Resolve, Directing the Bureau of Health To Study the Effectiveness and Quality of Reproductive Counseling

H.P. 1057 L.D. 1512

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-664)**.

Signed:

Senators:

HOBBS of York
HASTINGS of Oxford

Representatives:

PELLETIER-SIMPSON of Auburn
FAIRCLOTH of Bangor
CANAVAN of Waterville
DUNN of Bangor
SHERMAN of Hodgdon
CARR of Lincoln
NASS of Acton
BRYANT-DESCHENES of Turner

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass**.

Signed:

Senator:

BROMLEY of Cumberland

Representatives:

BRYANT of Windham
GERZOFKY of Brunswick

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-664)**.

Reports **READ**.

Senator **HOBBS** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Require Parental Notification of Teenage Abortions"

H.P. 1112 L.D. 1575

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

HOBBINS 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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-649)**.

Signed:

Representatives:

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

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

Senator **HOBBINS** of York moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

On motion by Senator **DAVIS** of Piscataquis, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Plowman.

Senator **PLOWMAN:** Thank you, Madame President and men and women of the Senate. I ask you not to accept the majority Ought Not to Pass report. As a woman and a mother of several daughters, I will tell you that I want to know when my child is undergoing this kind of procedure and so do most Mainers, according to recent polls. People want to know that something that is going to chance their daughter's life is happening. I just found out that a child can go and get an abortion and actually tell the abortion provider that she was raped by her own father and that abortion provider is not a mandatory reporter. Did you know that there is an exception? There is no mandatory reporting in reproductive clinics. Young women, who present themselves for an abortion because they were incested, return to the same bedroom in which they got pregnant last month. This bill doesn't say that we have to tell her father. This bill says that she doesn't have to tell her father. She gets to tell somebody who is going to protect her because the people that are taking care of her today and taking care of today's problems are addressing today's needs. It doesn't address what is happening to this young woman.

The same thing for rape. Yes, we have an adult involvement law. You will hear that. It could be the man who is responsible

for paying child support for the next 18 years, that accompanies this minor to an abortion clinic. When she sits down she looks at a waiver. She signs off and says that things that will happen to her during this procedure are risks associated with the procedure and that she understands that. The fact that cartilage or bone could perforate her uterus, she's supposed to know what that means? She is supposed to know that this could affect her life? These are children. We've carved out exceptions because it's reproductive freedom but we are asking them to make decisions like they are adults. When children make decisions like they were adults, decisions weigh heavily on them. Someone needs to help a child make a decision. If it can't be the parent it needs to be someone in a position of authority who says that this is how you came about this situation and you need not to be in this situation. I don't think we're asking very much.

You will hear that there is a huge fiscal note on this because there may be 500 cases that will come before the courts. The figures say that 60% of parents are involved in this decision. In 2002, 198 young girls between the ages of 10 and 17 presented for abortions in the State of Maine. If you take out the 60% who do involve their parents, you've got 80 young women who are making this decision on their own. That's a far cry from 500. Some of them, most of them, are probably not in the position that I've just described. They haven't been raped or incested. They are still children making adult decisions.

As this young girl is escorted to an abortion clinic, you have told her that she won't be safe if she doesn't buckle herself in. You have told her that she must buckle in because we know better. You need to be safe. Please buckle up. You told her parents that. You told everybody. Because she's not old enough to make that decision on her own and the person in charge is telling her what is good for her because it is good for her. Why do we carve out such extreme circumstances for our young ladies to go in with no back-up? No, it's not always going to be the family. Sometimes authorities have to step in. When will they? Not because a mandatory reporter says that this child is in danger. The girl is certainly going to go home and try to deal with what happens to her. She's going to deal with it on her own because the person who takes her isn't taking her home and tucking her in bed that night and giving her two Tylenol. They are saying, 'Here, honey, are the instructions. If something happens call us.' Well, she's already hidden something from home. God forbid there should be a complication that night. Is she going to wait until morning to call the person who took her and say, 'I've got a fever, I'm not feeling good, I'm bleeding and I don't think it's what they told me it was going to be'? Is she going to go to her Mom? She's already hid something from her Mom and she's been encouraged to hide that from her Mom. I don't think that we are asking too much to protect young women. These are 10 to 17 years old children. They don't need to have this kind of responsibility heaped on them. They need, in some cases, for someone to reach out and say, 'Honey, you're not going home there tonight.' You are going to hear that a child will not be able to negotiate what is legally needed. Well, I really reject that argument because if this child is helped to negotiate the medical access, the day away from school, the insurance reimbursement, the ride to and from, I imagine that someone can actually take her down to a private meeting between her and a judge and the judge looks at her and says, 'You know, I can see why you couldn't go home and I want to make sure that this is not what you have to do.' I will please ask you to consider that this isn't just about

reproductive freedom. It's about caring for the whole child. The whole child. That is what we are supposed to do. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Bromley.

Senator **BROMLEY:** Thank you, Madame President, men and women of the Senate. Just one quick correction, abortion providers are mandated reporters. If a minor disclosed incest that would absolutely be reported. I, as a clinical social worker, if I worked in the clinic, I would be mandated to report as well. I just wanted to clarify that.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Hobbins to Accept the Majority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#241)

YEAS: Senators: BARTLETT, BRENNAN, BROMLEY, COWGER, DAMON, DIAMOND, GAGNON, HASTINGS, HOBBS, MAYO, MILLS, MITCHELL, NUTTING, RAYE, ROSEN, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, TURNER, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: ANDREWS, BRYANT, CLUKEY, COURTNEY, DAVIS, DOW, MARTIN, NASS, PERRY, PLOWMAN, SAVAGE, SNOWE-MELLO, WESTON, WOODCOCK

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **HOBBS** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Out of order and under suspension of the Rules, the Senate considered the following:

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Require Standardized Reporting of the Prices for Certain Health Care Services and To Repeal the Confidentiality of Sentinel Events"

H.P. 975 L.D. 1411

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-660)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-660)**.

Report **READ** and **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-660) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

The Committee on **TRANSPORTATION** on Bill "An Act To Make Supplemental Highway Allocations for the Expenditures of State Government and To Change Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2006 and June 30, 2007" (EMERGENCY)
H.P. 946 L.D. 1363

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-663)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-663)**.

Report **READ** and **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-663) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Prevent Lead Poisoning of Children and Adults"

H.P. 719 L.D. 1034

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-642)**.

Signed: