

MAINE STATE LEGISLATURE

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Kaenrath, Kent, Knapp, Knight, Kruger, Kumiega, Lajoie, Libby, Longstaff, Luchini, MacDonald, Malaby, Maloney, Mazurek, McClellan, McKane, Morrison, Moulton, Nelson, Peoples, Pilon, Priest, Rankin, Richardson D, Rochelo, Rotundo, Russell, Sanborn, Stevens, Strang Burgess, Stuckey, Tilton, Treat, Valentino, Volk, Wagner R, Webster, Welsh.

ABSENT - Innes Walsh, Lovejoy, Wintle.

Yes, 68; No, 79; Absent, 3; Vacant, 1; Excused, 0.

68 having voted in the affirmative and 79 voted in the negative, 1 vacancy with 3 being absent, and accordingly the Majority **Ought to Pass as Amended Report was NOT ACCEPTED.**

Representative NUTTING of Oakland moved that the House **ACCEPT** the Minority **Ought Not to Pass Report.**

Representative CAIN of Orono **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **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 Minority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 135

YEA - Beaudoin, Beaulieu, Beavers, Beliveau, Bennett, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Carey, Casavant, Chapman, Chipman, Clarke, Cornell du Houx, Dill J, Dion, Dow, Driscoll, Eberle, Eves, Flemings, Gilbert, Goode, Graham, Harlow, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Kaenrath, Kent, Knapp, Knight, Kruger, Kumiega, Lajoie, Libby, Longstaff, Luchini, MacDonald, Maloney, Mazurek, McKane, Morrison, Moulton, Nelson, Peoples, Pilon, Priest, Rankin, Richardson D, Rochelo, Rotundo, Russell, Sanborn, Stevens, Strang Burgess, Stuckey, Treat, Valentino, Volk, Wagner R, Webster, Welsh.

NAY - Ayotte, Beck, Bickford, Black, Burns DC, Burns DR, Cain, Cebra, Celli, Chase, Clark H, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Duchesne, Dunphy, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Fossel, Foster, Fredette, Gifford, Gillway, Guerin, Hamper, Hanley, Harmon, Harvell, Johnson D, Johnson P, Keschl, Long, Maker, Malaby, Martin, McCabe, McClellan, McFadden, Morissette, Nass, Newendyke, O'Brien, O'Connor, Olsen, Parker, Parry, Peterson, Picchiotti, Plummer, Prescott, Richardson W, Rioux, Rosen, Sanderson, Sarty, Shaw, Sirocki, Theriault, Tilton, Timberlake, Turner, Tuttle, Waterhouse, Weaver, Willette A, Willette M, Wood, Mr. Speaker.

ABSENT - Innes Walsh, Lovejoy, Winsor, Wintle.

Yes, 69; No, 77; Absent, 4; Vacant, 1; Excused, 0.

69 having voted in the affirmative and 77 voted in the negative, 1 vacancy with 4 being absent, and accordingly the Minority **Ought Not to Pass Report was NOT ACCEPTED.**

Representative CURTIS of Madison moved that the House **ACCEPT** the Majority **Ought to Pass as Amended Report.**

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended Report** and later today assigned.

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

SENATE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (S-207)** - Minority (6) **Ought Not to Pass** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Regarding Offenses against an Unborn Child"

(S.P. 454) (L.D. 1463)

Which was **TABLED** by Representative CURTIS of Madison pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended Report.**

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Harvell.

Representative **HARVELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this bill because I find an affront on three levels. An affront to my knowledge as a biblical scholar, a student of history and a rational man. I realize that there are those members that have suggested that if we don't agree we should be silent. To them that are issuing these papal edicts, I suggest that my answer is like Martin Luther's at the Diet of Worms in 1521. "Here I stand. I can do no other."

People have wrestled with where human life begins for centuries. In fact, you can go back to what they carved out in sandstone in Mesopotamia to look for the answers. The Levitical law written in Exodus brings a case forth not unlike that which is being asked today, and it suggested two men are struggling and a pregnant woman gets involved and she loses the child. The charge of the loss of the child is a fine, if the wife is lost it is a charge eye for eye, tooth for tooth, life for life, murder. It laid down that principle and they struggled with this 3,000 and 4,000 years ago, and we struggle with it today. One can look at English common law, American law, Roman law, and the Code Napoleon and find naught with those that are unborn are lives in the sense that they are being charged with murder. When abortion was illegal in this country the offense was not murder.

And then we come to the trouble with the bill, the real problem, which is that a woman who is carrying a child is not defined as a person under this new law. We're going to create a new category of personages and take away one. How you can jump this intellectual chasm is beyond me. René Descartes said, 300 years ago, "I think, therefore I am." Follow his logic and my light.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Plummer.

Representative **PLUMMER**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Some members of the Criminal Justice and Public Safety Committee were upset at the prospect that I would introduce the Minority Report of six members, the report I was on, instead of the Majority Report of seven members. Maybe nobody noticed that I didn't introduce the report, but that's why Representative Curtis introduced the Majority Report. Please do not think that I feel any less passionately about this bill. I am very much opposed to a bill that will define or deem a fetus as an unborn child. I have had second thoughts since my vote in committee and I ask the Lord, as I do every day, to help me with these decisions, and I have specifically have asked every day for help on this decision. I believe I've made the right decision.

One member of this body told me that he would support this bill because it only applies when the fetus could survive outside the woman's body. I pointed out to that member that the bill states that the fetus may be continued indefinitely outside the womb by natural or artificial life support systems until birth. This wording does make a difference. I believe this wording makes all of the difference.

It was also stated, during the public hearing and the work session, this bill exempts the woman or the medical provider with being charged with murder as a result of an abortion. I cannot understand how once you define the fetus as a child that someone else can be charged with murder, but we can overlook the fact that the same fetus we've defined as a child was destroyed by the woman or by her doctor.

If you believe that the fetus is a child at the moment of conception, then I can understand why you would vote for this bill. However, this proposal is only a short, short step from making all women who choose to have an abortion guilty of murder. I will not ask you to follow my light, but I will ask you to vote for what you believe is right. Thank you.

Representative CAIN of Orono **REQUESTED** a roll call on the motion to **ACCEPT** the Majority Ought to Pass as Amended 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 Chelsea, Representative Sanderson.

Representative SANDERSON: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand today in support of 1463, "An Act Regarding Offenses against an Unborn Child."

Now because laws can have implications which sometimes extend beyond their stated intent, in considering support of this legislation I spent quite a bit of time researching the issue from both the proponent and the opponent point of view.

Opponents say this legislation erodes into a woman's right to choose and is the first step toward overturning *Roe v. Wade*. They argue that it could infringe upon a woman's right to choose by establishing a fetus's personhood.

In spite of these arguments our Federal Government and 36 other states in our Nation have passed laws concerning crimes against an unborn child. There is case after case concerning this debate, but such claims against this legislation have been found to be patently false time and time again. Prominent legal scholars who strongly support *Roe v. Wade*, such as Professor Walter Dellinger of Duke University Law School, Richard Parker of Harvard, and Sherry Colb of Rutgers Law School have all written that fetal homicide laws do not conflict with *Roe v. Wade*.

Walter Dellinger, who is also a former solicitor general with the Clinton administration, says that although he is a strong abortion advocate, he sees no problem with fetal homicide laws. "I don't think they undermine *Roe v. Wade*," he said. "The legislatures can decide that fetuses are deserving of protection without having to make any judgment that the entity being protected has any freestanding constitutional rights."

In the wake of *Roe*, courts have been willing to tailor the constitutional right to choice and to permit governments to make certain value judgments on the personhood status of fetuses which have been upheld time after time. The signature case in this regard is *Webster v. Reproductive Health Services*. The State of Missouri passed a law which in its preamble stated that "the life of each human being begins at conception." It also says "unborn children have protectable interests in life, health, and well-being." In *Webster*, the Supreme Court reviewed the constitutionality of the preamble and upheld it on the grounds that "the preamble does not by its terms regulate abortion." Neither does this bill. *Webster* made it clear that a woman's constitutional right to choose does not preclude the government from defining the fetus in her womb as a person. It has no impact.

Maternal liberty is a very important word and it's clearly protected under these laws and has been affirmed on numerous occasions in the past 38 years with "safe harbor" provisions in fetal homicide laws protecting women.

LD 1463 is very clear in its exemptions and definitions of what "person" means for the purposes of this law. In spite of what others may say about a woman either being elevated to a different level, not even defined as a person under this law, the reason is she is exempted from prosecution under this law. So

there can be no mistake that there is no erosion into a woman's right to choose. That's why a woman has been exempt, a pregnant woman, under the person of this law. In 1463, the person, the definition is "does not include the pregnant woman whose unborn child is killed or injured." The woman is exempt for purposes of this law. It's also very clear in its protections for a woman's right to choose. In every section, it clearly states "This section does not apply to: Acts that cause the death of an unborn child if those acts are committed during an abortion, lawful or unlawful, to which the pregnant woman consents." During the work session on this bill, testimony by Deputy Attorney General Bill Stokes of Augusta was of vital importance in ensuring that the careful language upheld protections for women in Maine. He assured the committee that it did.

When opponents speak of this type of legislation eroding into a woman's right to choose, also known as maternal liberty, they are usually referring to a woman's right to choose to terminate her pregnancy, but there is another very important choice that women can make. Maternal liberty also means she can choose to carry her child to term. LD 1463 addresses when a woman's right to choose to carry her child is denied by an egregious act of violence perpetrated by another individual, a violent attack which results in either the death of the child a woman may be carrying, or both mother and child.

Right now, under federal law, The Unborn Victims of Violence Act, if a woman is a victim of violence in Acadia National Park or in our federal courthouse, resulting in the loss of her life and/or that of her child, both lives are counted as victims. LD 1463 will make it consistent across our state. It mirrors federal regulation.

We can debate all we want over the status of personhood, but it won't change the fact that to the families and the woman whose child is taken by an act of violence, what a woman carries in her womb is much more than just a fetus. It's a child, their child, their grandchild. Yes, unborn, but a child nonetheless.

I hope you will join me in supporting this legislation. It has withstood constitutional scrutiny in 36 other states across our Nation. This bill is as pro-choice as it gets. It protects a woman's right to choose by providing "safe harbor" provisions and exemptions. But it also acknowledges the loss families suffer when a woman's right to choose to bear her child is violently taken away. It reaffirms maternal liberty on all levels and gives value to a life which would have brought such joy into a family on the day of its birth. Thank you.

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

Representative HASKELL: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I have circulated for you our current law. I wanted you to have an opportunity to see it in its entirety. It's as you would have picked it off if you'd gone onto Maine.gov and looked at this statute. It's nobody else's description of what our current law is or what the penalty is for an assault which results in the termination of a pregnancy. It's very clear here. This is a matter which has been debated here in the State of Maine a number of different times.

In 2005, which is the date of this statute, as you can see, there was some carefully crafted language which did just exactly the number of things that other folks have spoken about today, and that has protected the rights of the woman or making sure that we had the opportunity to provide a penalty for those folks who might have by their actions created a situation which resulted in the termination of a pregnancy as a result of an assault. The penalty for this is a Class A crime. We do not have a Class A+ crime. You can't pick one up and say it's more than another one. A Class A is the top of the line and that's what this current state law provides for. This is adequate. We don't need

another way to go around this. What we have is appropriate and adequate. Thank you.

The SPEAKER: The Chair recognizes the Representative from Whiting, Representative Burns.

Representative **BURNS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. LD 1463 very simply is an Act that would allow prosecution of someone other than the mother or her physician that harms or murders an unborn child. An "unborn child" means: "an individual of human species from state of fetal development when the life of the fetus may be continued indefinitely outside the womb by natural or artificial life supportive systems" – in other words, a human that can survive outside of the mother's womb on his or her own, nothing else.

This act is not an anti abortion bill, Mr. Speaker, as the opponents have tried to portray it and will continue to portray it here today – anyone subject to this charge must commit this act both knowingly and intentionally. It excludes both lawful and unlawful abortions to which the mother consents – or during medical practice or diagnostic testing and therapeutic testing.

In fact, this bill should be considered as the ultimate pro-choice protection, because it prevents someone from harming or taking the life of a child that that mother has chosen to take to term to give birth to. Let me repeat that, it's that important. This is the ultimate pro-choice bill because it makes it illegal to take away the rights of a woman that has decided to give birth, take to term that child she is carrying.

During the committee hearing the MCLU testified that one of their core goals is to preserve civil liberties under the Constitution. That happens to be one of my goals too, and that's to give to the unborn "humans" and the mothers that have chosen to give birth to them those same civil liberties.

We also heard testimony from groups like Family Planning, Coalition to End Domestic Violence, and Coalition for Maine Women, all claiming that they support women's rights to be able to choose to give birth to a child or have an abortion. Their positions and arguments were all about abortion, not about this bill and certainly not about preventing a person from taking away from a woman their choice to have a child. But I am not arguing about the woman's right to choose today. We're talking about this bill, 1463.

One physician, speaking against this bill, claimed this is a "political" and "religious" bill and it "impedes a doctor's ability to provide care." These are absurd accusations and there is nothing whatsoever in this bill, as it is written, that impedes a physician from caring for their patient. Nothing.

Another doctor actually said that forcing a pregnant woman to believe a fetus is human was "akin to forcing her to look at gristly photos of a product of conception or ultrasounds of fully formed fetuses." Can any one in this chamber tell me what is wrong with a woman seeing an ultrasound of their unborn child? What is it that we're afraid of here? Why has the rhetoric become so unreasonable? Are we really protecting women's rights, or is it now just a biased philosophy that can no longer be supported by science and reason?

This bill, if passed, would make Maine the 27th in the nation to do so in a similar bill. Twenty-six other states have already passed similar laws that hold offenders responsible for harming or hurting the unborn. Ten other states provide partial coverage for harming an unborn child, so that totals 36 states. We would be number 37. Several very prominent Democratic Senators and Congressmen have said that it is time for us to bring our state statutes into line with federal law. As many of you know, the first law passage resulted from the Laci and Connor Peterson murder in 2002, where Scott Peterson was responsible for the death of

his wife Laci and their unborn child, Connor.

Here in Maine, in 2004, Roscoe Sergeant brutally stabbed his pregnant wife Heather over 30 times while she was carrying her unborn child Jonah. There was no mechanism to charge Roscoe for causing Jonah's death, only his mother Heather. In fact Jonah's life and death could not even be allowed as evidence in the trial. Roscoe also killed the four cats in the home. The killing of each of these cats brings a sentence of up to a year. Where are our protections? Where is our morality?

In 2003, a national poll of 900 registered voters was taken asking "if a violent physical attack on a pregnant woman leads to the death of her unborn child, do you think prosecutors should be able to charge the attacker with murder for killing the fetus?" Seventy-nine percent, the majority of whom were pro-choice, said "yes." Eighty-four percent also thought that Scott Peterson should be charged with the death of both Laci and Connor after that tragic murder.

Here now in the Maine Legislature we are being asked to join the other 36 states and finally recognize that violence against a viable human entity should result in holding the guilty person responsible for that act, not just to elevate the crime that was perpetuated on the mother trying to carry that child. There are clearly two sets of circumstances and lives to be considered here. What if this act of violence kills a mother's 8-month-old baby but not the mother? It means that the state has only the offense against the mother to bring to trial, and the mother isn't going to be mourning the termination of a pregnancy. She's going to be mourning the loss of that child and there is not going to be any remedy for justice for the loss, taking away that child from her.

The Roman Catholic Diocese of Portland went on record as supporting this bill to the extent that the law must provide protection for that viable child in the womb. Their position is that the bill does not in fact go far enough.

I believe, and I think most Mainers agree with me, that we must hold people accountable for inflicting violence on a viable human life no matter where it is. To me it is unconscionable that we prosecute somebody for murdering a baby 30 seconds after it is born, but we ignore that same baby's life 30 seconds before it is born. I ask you today to support me and this bill and its passage, so that we will grant the protection to both the mothers and their baby's life 30 seconds before it is born. I ask you to support this bill today so that it will grant the protection to both mothers and their babies that common sense and science demands. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Glenburn, Representative Guerin.

Representative **GUERIN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I went to a baby shower Saturday and there were two young mothers there who had decided to carry their babies to term. They were there celebrating the pending birth of their babies with the grandmothers and aunts, cousins and friends. One of the expectant mother's baby was actually due Saturday.

Knowing that this bill would be before us today, it was much on my mind. I pondered the thought that if this young woman was tragically murdered on her short walk home, that the baby would not even be considered a victim. The grandmothers and aunts, husbands and fathers, would certainly have lost in the baby's death a family member that was loved and planned for. In such a grievous case, certainly the murderer should be held accountable by the law. Please join me and 36 other states in supporting the concept of the Laci Peterson law and voting green on LD 1463.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Crockett.

Representative **CROCKETT**: Thank you, Mr. Speaker. Mr. Speaker, Distinguished Members of the House. The United States Supreme Court has interpreted a woman's privacy rights, the right to have an abortion. It is case law, it is well established, and it is beyond the scope and purview of this body to challenge it. But this is not an abortion bill, this is a criminal law. Now you've heard that elevated aggravated assault has remedied this situation. It hasn't, and the reason it hasn't is if a baby is inside a womb and someone were to attack the baby or the mother and the baby dies, the criminal would get sentenced for elevated aggravated assault and not murder. They are both Class A crimes, but the sentencing between murder and elevated aggravated assault are a little different. They are not sentenced as harshly. It's something that you really want to grasp here. This is not an abortion bill.

My wife is pregnant and I am adamant that if someone was to attack her on federal property and the baby was to die, I would want to go after that murderer of that child. It is without question. But that same, across the street, once you get on state land you have no recourse, it's only elevated aggravated assault? This makes absolutely no sense. Thirty-six states have adopted this. It's federal law. We're not acting outside the scope of normal.

I've heard critics in the hallways mention this and harp on it as a woman's choice. I am a constitutionalist. I believe in what the Supreme Court has established. The law is as it is for a woman's right to choose, there is nothing we can do about it in this body. But that is not what this bill is. This is a criminal law and there should be a much harsher penalty for killing a child in a mother's womb. So I would urge you to support the Majority Ought to Pass motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Caswell, Representative Ayotte.

Representative **AYOTTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Mr. Speaker, I wonder if I can have your permission to speak on all four of these bills at once, instead of just concentrating on this one bill.

The SPEAKER: The Chair would respond that we need to address our concerns to LD 1463.

Representative **AYOTTE**: Okay. Ladies and Gentlemen of the House, I had the opportunity, of course in college, to take embryology prior to the 1973 decision, and in reference to this bill, I can tell you that the child which the mother is carrying is a result of an egg cell from a mother and a sperm cell from a father that unite to form a complete and separate entity. That is and can only be a human being that is dependent upon the mother, not only then but for many months after the child is born.

To place the following in perspective, the length of a human pregnancy is approximately 278 days. Incidentally, I tell you a human being that has a heartbeat that begins between the 18th and the 25th day, the nervous system that is laid down by the 20th day, a complete skeleton by the 42nd day with reflexes that are present, electrical brainwaves as early as 43 days after conception, a brain and all 10 body systems that are present by eight weeks, and if we touch the baby's nose, he or she will flex his or her head backwards away from the stimulus. After nine to 10 weeks, the baby squints, swallows, moves his or her tongue, and if you touch his or her palm, he or she will make a fist. At 11 to 12 weeks, the child will suck on his or her thumb vigorously and breathe his or her amniotic fluid to develop the organs of respiration. Fingernails are present by 11 to 12 weeks, eyelashes by 16 weeks, and all the body systems are functioning by 12 weeks.

Ladies and gentlemen, this is only the first trimester. I tell you

this because it is important that society understand that this is not just tissue, but rather an actual complete and complex human being, a separate individual developing and will continue to develop and grow long after it is born. I will continue my testimony, Mr. Speaker, after or when the other three bills are brought forward. Thank you.

The SPEAKER: The Chair recognizes the Representative from Raymond, Representative McClellan.

Representative **McCLELLAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I also stand to support LD 1463 and I want to say that I also respect the Bible lesson that Representative Harvell stated early in this discussion. At that time in history, the Bible gave us a lot of rules. There was another rule about mold. If there was mold in your house, basically get out because it wasn't good for you. But if you are a believer like me, you know that the covenant that was brought by Jesus Christ trumps all of that, that we're at a different time now.

I want to say that I really didn't desire to be a State Representative, with all apologies. It wasn't really what I wanted to do, but I felt called by God to come up here and it's kind of how it's played out. What a joy when I got up here and I found out how many other people like myself were up here, who are guided by biblical principles. Now speaking for myself I feel, like I said, that I was called here and I was called for many reasons, and I think a big importance to me is the idea of protecting the least. You know we talk about people on welfare, low-income, and we debate those kinds of things, but I think this is at a different level, this discussion, when we talk about the least. To me, the so-called fetus is a child, you know, and we can and we're going to disagree on that fact in this discussion today, but that's how I see it. So I wouldn't be doing my job if I didn't stand up to support this bill, to support the child.

What a joy I found during this discussion and actually in the last discussion to hear people using their bibles and citing Bible principles. So I will close with a couple that send chills to me when I think about them, and I'm paraphrasing these, these are not direct quotes. But there is a Bible verse, I believe it's in Luke, that talks about God knew the hairs on your head before you were born. And I will leave you with the last one, and again it's a paraphrase and I'm not quite sure where this is from, but I know my pastor has told me this, that God, at times, will assess leaders and teachers at a higher level than other people. So thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Palermo, Representative Harmon.

Representative **HARMON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think, therefore I am. In order to think and in order to know that you are, what have you been produced, you are life. To even make that statement you need to have a life. That is one of the most intimate statements made in history by René Descartes. You have to have a life to conceptualize everything that you see, hear and do.

I was reminded of a quote when this bill came up by Pope John Paul II. "Human life must be absolutely respected and protected from the moment of conception." It was in large part due to some of that quote. Nothing can be conceptualized by any of us unless we have life. Nothing matters. Everything else is moot. This building is moot, we're not here. That's a scientific point of view, not a religious point of view.

To go on, when Pope John Paul II said, "Thus the fruit of human generation, from the first moment of its existence, that is to say from the moment the zygote has formed, demands the unconditional respect that is morally due to the human being in his bodily and spiritual totality. The human being is to be

respected and treated as a person from the moment of conception; and therefore from that same moment his rights or her rights as a person must be recognized, among which in the first place is the inviolable right of every innocent human being to life." Nothing else matters when you talk about liberty. We can talk about tax cuts. We can talk about tax increases. Nothing matters if we cease to exist. When we start going down this road about judging of what this life matters or that life doesn't matter, or we make a determination I can't live with this or that, it does not matter. We are degrading our value of life. Life is important, scientifically speaking, morally speaking, and religiously speaking if you believe in a form of religion at all.

The doctrinal reminder provides the fundamental criterion for the solution of various problems posed by the development of biomedical sciences in this field: since the embryo must be treated as a person, it must also be defended in its integrity, tended and cared for, to the extent possible, in the same way as any other human being as far as medical assistance is concerned, period. I know this is a touchy issue. For many people it might be about a mother's right or an unborn fetus's right. But please remember, without life we would not be here, nor would our ancestors. No matter how it started, if you believe that Yahweh had started life or that we developed out of the Big Bang Theory or scientifically we just started, life is essential and life must go on. Any degradation to life, we're doomed for failure at some point. I leave that with you for food for thought. One of my role models that I remember growing up as a kid was Mother Teresa and this quote has always touched me. "We must remember that life begins at home...we must also remember that the future of humanity passes through the family." Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Sangerville, Representative Davis.

Representative DAVIS: Thank you, Mr. Speaker. Mr. Speaker, I wasn't going to speak on this but sitting here listening, like you, I've been here for awhile. Unlike you, my hair is gray. I remember this bill in the 122nd Legislature. I was a member of the other body and I remember the debate, I remember it very well. A young woman in Bangor had been murdered, stabbed numerous times. She was left to lay for eight hours before her body was discovered and the doctors said at the time, had they been there within three or four hours, they could have saved the child. She was eight months pregnant. It just baffles me, Mr. Speaker, to think in the little town I live in, on the post office grounds this is a crime, and across the street where I own a piece of land it could happen and it's not a crime against the unborn.

I remember in 1995 my granddaughter was born and I, being a little old-fashioned, didn't go into the delivery room with my daughter. My wife did and her husband did, but like I said, I couldn't see how I could be of any help and I chose to stay out in the waiting room. Before long, I heard a baby crying and I became a grandfather and I've got to say that my four granddaughters are the most wonderful things that God ever created. There she was crying. The nurse said to my daughter, she said, "Talk to her. She knows your voice, speak to her." My daughter Heidi did and the baby calmed down. I was so struck by that, that moments before that little baby had no protection and moments later it did.

A long time ago, about 25 years ago, a real good old friend of mine came down with a rare disease. The disease was called Guillain Barre, and I know, Mr. Speaker, you probably know what it is, but a lot of people don't and what happens is a person loses movement but they don't lose feeling. So if a fly lands on your nose, you can feel the fly walk across your nose but you can't

move and brush him off. In those days I was a state trooper in a very rural area and this friend of mine couldn't sleep at night, so I used to stop by his home, his family would be asleep but he'd be sitting up, and I used to take his hands and I used to move them for him and I used to move his feet. It doesn't sound much like the duties of a state trooper, does it, but that's what I did to make life better for him. Now years went by and when I came here to the Maine Legislature in 1999 I went and visited with him, and he told me, he gave me a little instruction. He said whatever you do down here, when there is any question, do what's right. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Celli.

Representative CELLI: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. First off, I'm pro-life. I do believe though that the government has wasted 35 years on this issue because it's actually personal choice. I've also heard throughout the day, yesterday, that this is the first step to outlawing abortion. I really don't buy that. You know when cars first came out, when they set speed limits, that wasn't the first step to taking my car away from me. If you believe in women's choice, you must vote for this bill because we're talking about a woman who is choosing to have her baby and that baby being murdered, not by her choice, by someone else's choice. So if you're in favor of women's choice, you must vote for this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative PRIEST: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I would remind everybody of what I think Representative Haskell has already told you, that we have on the books now an elevated aggravated assault on a pregnant person, which says that a person is guilty of elevated aggravated assault on a pregnant person if that person intentionally or knowingly causes serious bodily injury to a person the person knows or has reason to know is pregnant.

For the purpose of the subsection, serious bodily injury includes bodily injury that results in the termination of a pregnancy. What is the penalty for that? The penalty of elevated aggravated assault on a pregnant person is a Class A crime. That's 40 years, plus \$50,000.

The bill before you has a Class A crime penalty for 40 years or \$50,000. I would suggest that if your concern is the assault against a pregnant woman which results in the termination of a pregnancy, the law that you've got on the books now is perfectly adequate.

On the other hand, if this is really about abortion and not about the termination of a pregnancy, then I suggest that you ought to take a look at *Roe v. Wade*, which says essentially that an unborn fetus is not a person under the Fourteenth Amendment. You may disagree with that and I understand that many of you do in good faith, but that's the law of the land. Thank you.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Morissette.

Representative MORISSETTE: Thank you very much, Mr. Speaker. I actually was choosing not to speak on this. However I think that I bring another perspective and not as a lawmaker from Winslow, but as a mother of four children who chose to have those children, who sang to her belly so that those children would know my voice, who avoided microwaves and stayed away from diet soda, which I absolutely love, to protect those children while they were in my womb. But the thing that really bothers me that, as a mother of twins, if on the way to the hospital to give birth to those twins, one of them had died because someone chose to

take that baby from me, then now, 10 years later, I would be looking at the surviving twin, saying your sibling was an aggravated assault. Thank you.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Celli.

Representative **CELLI**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Once again, I want to apologize for speaking twice on this issue, but I understand and have a copy of the aggravated assault criminal code, but the difference is it states that if they cause serious bodily injury to a person, that the person knows or has reason to know is pregnant. So in other words, if you attacked a woman that you don't know is pregnant, you don't even know her, she's a complete stranger and you, per chance, kill the fetus, then you can't be charged with this aggravated assault.

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Curtis.

Representative **CURTIS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As I read the title of this bill, the last two words have been batted around and it raises the age old question of when does life begin. The last two words of this bill is against an unborn child.

I just want to share a story of what actually happened here a couple of weeks ago when the young cadets were in here as pages. There were two young ladies that sat right here in front of us and did their work, and as I watched them, I began to realize how much they looked alike. So when it was over I asked the girl to my left "Are you girls twins?" She said, "Yes." So I asked the next question which automatically comes to our mind, I said, "Which one of you is the oldest?" The one to my left said, "Well, I came out first." But the one to my right chimed right in and said, "Well, we're both the same age, you see, because God chose to split the egg." So the age old question of when does life begin, we can bat it around from day to day, from debate to debate, but the real issue is in these young ladies' minds, probably 14, 15, 16 years old. They knew the exact answer to when life began.

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

Representative **ROCHELO**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. You have heard today that this bill provides specific protections for the pregnant woman from prosecution. It's been said that there is specific language in this proposal to ensure that a woman isn't prosecuted. But these same arguments were used to support passage of similar laws throughout this country, laws that, regardless of their explicit exceptions for pregnant women and legal abortions, have been used to go after the very women that they claimed to protect.

For example, in South Carolina, this law has been in place for quite a number of years, I believe over 20 years. There has been only one man convicted under this specific law. There have been between 50 and 100 women convicted under this specific law. These laws have also been used to justify doctors violating pregnant women's confidential doctor/patient relationships and used to report them to police. I stand in opposition to this bill and encourage others.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 136

YEA - Ayotte, Bennett, Black, Burns DC, Burns DR, Cebra, Celli, Clark H, Clark T, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dow, Dunphy, Edgecomb, Espling, Fitzpatrick, Foster, Fredette, Gifford, Gillway, Guerin, Hamper, Hanley,

Harmon, Johnson D, Johnson P, Knapp, Knight, Long, Maker, Malaby, Martin, McClellan, McFadden, McKane, Morissette, Nass, Newendyke, O'Connor, Olsen, Parker, Peterson, Picchiotti, Richardson W, Rioux, Rosen, Sanderson, Sarty, Sirocki, Theriault, Tilton, Timberlake, Turner, Tuttle, Volk, Waterhouse, Weaver, Willette A, Winsor, Wood, Mr. Speaker.

NAY - Beaudoin, Beaulieu, Beavers, Beck, Beliveau, Berry, Bickford, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Chapman, Chase, Chipman, Clarke, Cornell du Houx, Cotta, Dill J, Dion, Driscoll, Duchesne, Eberle, Eves, Fitts, Flemings, Flood, Fossel, Gilbert, Goode, Graham, Harlow, Harvell, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Kaenrath, Kent, Keschl, Kruger, Kumiega, Lajoie, Libby, Longstaff, Luchini, MacDonald, Maloney, Mazurek, McCabe, Morrison, Moulton, Nelson, O'Brien, Parry, Peoples, Pilon, Plummer, Prescott, Priest, Rankin, Richardson D, Rochelo, Rotundo, Russell, Sanborn, Shaw, Stevens, Strang Burgess, Stuckey, Treat, Valentino, Wagner R, Webster, Welsh, Willette M.

ABSENT - Innes Walsh, Lovejoy, Wintle.

Yes, 66; No, 81; Absent, 3; Vacant, 1; Excused, 0.

66 having voted in the affirmative and 81 voted in the negative, 1 vacancy with 3 being absent, and accordingly the Majority Ought to Pass as Amended Report was **NOT ACCEPTED**.

Subsequently, the Minority Ought Not to Pass Report was **ACCEPTED** in concurrence.

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

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(S.P. 215) (L.D. 726) Resolve, To Reduce Funding to Maine Clean Election Act Candidates Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-253)**

(S.P. 501) (L.D. 1570) Bill "An Act To Reduce Energy Prices for Maine Consumers" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-272)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED as Amended** in concurrence.

REPORTS OF COMMITTEE

Ought to Pass as Amended

Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Protect Consumer Information at the Efficiency Maine Trust"

(S.P. 478) (L.D. 1516)

Reporting **Ought to Pass as Amended by Committee Amendment "A" (S-198)**.

Came from the Senate with the Report **READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-198) AS AMENDED BY SENATE AMENDMENT "A" (S-267)** thereto.

Report was **READ and ACCEPTED**. The Bill **READ ONCE**.

Committee Amendment "A" (S-198) was **READ** by the Clerk. **Senate Amendment "A" (S-267)** to **Committee Amendment "A" (S-198)** was **READ** by the Clerk and **ADOPTED**.