

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Sixth Legislature
State of Maine

Daily Edition

First Regular Session
beginning December 5, 2012

beginning at Page 1

(In Senate, June 6, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-211).**)

(In House, June 12, 2013, **PASSED TO BE ENACTED.**)

On motion by Senator **KATZ** of Kennebec, 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 (#273)

YEAS: Senators: **BOYLE, BURNS, CAIN, CLEVELAND, COLLINS, CRAVEN, CUSHING, DUTREMBLE, FLOOD, GERZOFISKY, GOODALL, GRATWICK, HAMPER, HASKELL, HILL, JACKSON, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MASON, MAZUREK, MILLETT, PATRICK, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, TUTTLE, VALENTINO, WHITTEMORE, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND**

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senator having voted in the negative, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

On motion by Senator **KATZ** of Kennebec, the Senate **RECONSIDERED** whereby it **ACCEPTED** the Majority **OUGHT NOT TO PASS** Report on:

An Act To Strengthen the Consent Laws for Abortions Performed on Minors and Incapacitated Persons
H.P. 956 L.D. 1339

(In House, June 12, 2013, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED.**)

(In Senate, June 13, 2013, on motion by Senator **VALENTINO** of York, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.)

On further motion by same Senator, 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 Washington, Senator Burns.

Senator **BURNS:** Thank you Mr. President. Ladies and gentlemen of the Senate, as I said earlier this morning, these bills are too important to jump over and that's why I'm up here on my

feet again for the third time to talk about an extremely important bill that's in front of you. I would not support the Majority Ought Not to Pass. I would ask you to take a moment and simply read the summary on the bill, what it provides. It provides for parental consent before a minor can obtain an abortion. It provides for exceptions for when that's not appropriate, for a 21 year old sister or 21 year old brother to give that consent. When that's not appropriate, and there are indications of sexual abuse or mistreatment of the child or the child has demonstrated that they are appropriately informed and understands the situation that they are in, that a probate judge helps make that decision. It's a pretty simple, straightforward, bill. It gives parents some say in what happens to their minor child. I hear time and time and time again that we need to look out for the children, the minors. We don't want them in tanning beds. We don't want them drinking Red Bull. We don't want them doing all kinds of things. When it comes to allowing them to have an abortion, we pull out all the stops. Just as I said this morning, this subject seems to give rise to no reasonable discussion, no open mindedness, and a lack of applying common sense because of one word, abortion. When that word is used everybody's blinders go on. We're unwilling to discuss the issues, unwilling to see whether or not discussion and serious, serious consideration to the facts before us can bring benefit to women, to families, and to those who are involved in this loss of life. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Valentino.

Senator **VALENTINO:** Thank you very much Mr. President. Members of the Senate, I rise today to urge you to vote in support of the motion on the floor. The reason the majority of the Judiciary Committee voted against it was that we felt L.D. 1339 was unnecessary. Maine already has an adult involvement law which has worked well for over 25 years. Most Maine teens do involve their parents, but current law allows a teen unable to involve the parent to be counseled by a trained license professional. L.D. 1339 could harm Maine's most vulnerable teens, including victims of physical or sexual abuse. Young women who choose not to involve their parents often have a very real concern for their safety, including fear of family violence or being forced to leave home.

I digress a little from my testimony only to say that when I came up here I think I came up in a bubble from the life that I lived back home and the friends that I have. Obviously, all of us would want our daughters to come to us. Serving eight years, nine years, in the House and the Senate, especially with two years on the Appropriations Committee, I really found that there are some really horrible people out there that don't treat their children the way I treat my children, that don't have that same level of trust, that same level of openness, and that don't have anybody. I really had blinders on when I came here. I guess I felt everybody was good, good parents, good people. I'm extremely concerned about something like this. I have learned that there is another horrible dark side that children have to put up with; that have horrible parents or relatives, or have nobody that they can really trust. I found that almost unfathomable to believe when I came up here because of my upbringing and my social circle of friends that I deal with.

I go back to my testimony only to say the Maine Coalition Against Sexual Assault says, "We believe that the current law addresses the issue of parental involvement without putting

victims or survivors of sexual assault at risk by further isolating teens from professionals who could help them address the abuse in their lives by unnecessarily forcing them to recount their painful experience to a stranger." The Maine Medical Association says that Maine's current abortion laws ensure appropriate adult involvement in the decision making process but recognizes now that, for a variety of reasons, a minor may not be comfortable involving a parent in that process. Maine's current law on minor's rights to an abortion is a national model and has been in place for more than 20 years.

There are many things that I disagree with in this bill, but I want to highlight two of them for you. One is the alternative consent. Under the alternative consent it says, "If a pregnant minor or incapacitated person declares in a signed written statement that she is a victim of sexual abuse, neglect, or physical abuse by either of her parents or her legal guardian the attending physician shall obtain the written consent as described from the minor if applicable and from a brother or sister who is at least 21 years of age or from a step-parent or grandparent specified by a minor or incapacitated person." Just that paragraph alone, having to have a pregnant minor come in and have to sign a written statement to recount that her parents or a legal guardian raped her and caused her to become pregnant, I cannot think of anything more horrible. The other thing is, after she signs this statement it says that she still needs a brother or a sister at least 21 or a step-parent or a grandparent to sign. What if she doesn't have those? What if she doesn't have a brother or sister who is 21? What if she doesn't have a step-parent or grandparent that she can go to? There are so many things in this bill. The one thing, also, is number 14; the rights of intervention. This goes way beyond anything I've ever seen. It states in statute that the Legislature, us, by Joint Order, may appoint one or more of its members who sponsored or co-sponsored this legislation proposing this section as a matter of right and in their official capacity to intervene to defend this section of a case in which this section constitutionally is challenged. I've never seen this before. To give a member who co-sponsored a bill the right to intervene in this. This bill is not needed. We have an informed consent. The bill creates a new definition of abortion specifically for minors and incapacitated adults. It imposes dangerous state scripting requirements. I just urge you not to support this bill. I just think that there's a lot of problems with it and I wish every child in the state of Maine had a parent as loving and as open as I am, but they don't. We need to stand here and protect those children. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Hamper.

Senator **HAMPER:** Thank you Mr. President. I suppose I should ask unanimous consent, as a male, to be able to speak on an abortion issue. Thank you Mr. President. Ladies and gentlemen of the Senate, last May I was at a social event. This is to address a comment that was made about "could not of anything more horrible than to sign this consent." I was at a social event involving a lot of teenagers and there were a number of adult chaperons. A lady there that was 54 years old knew I was running for office and we got talking. I made a comment about being pro-life. Later on that evening she came to me, quietly, just the two of us, and recounted the sexual abuse by her uncle, who impregnated her, and the family taking her for an abortion. Granted, parents. They wanted it done. Get it out of the way.

Didn't want a 14 year old to be pregnant. Over the course of well over an hour with her she recounted how, as a 14 year old child, she was not being part of that decision and just hauled and taken for the abortion and not really fully understanding what was going on. The trauma that she's experienced for 40 years, now 41 years because it's a year later from when she told me this. Forty years later. She has a grave that she has marked. She named the child. A 14 year old girl, she has a grave for this child. What she carries over that decision that we just casually talk about in this room, the ending of a human life. What she carries with her for 40 years and recounting it to me that evening. Did she recount for me the horror of the uncle? No. That was not the horror. The horror was the ending of a human life and how that affected her. I couldn't sit still on this one. I just needed to relate a personal story given to me about the horror of what we're talking about, the ending of a human life. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Lachowicz.

Senator **LACHOWICZ:** Thank you Mr. President. Men and women of the Senate, I've worked with teenagers for many years. I understand the effort to legislate parental consent. As a social worker who works with teens and their families, I have worked to improve the communication and relationships between teenagers and their families. I have worked with teens who have gotten pregnant and teens who have gotten their girlfriends pregnant. The overwhelming majority of teenage girls decide to keep their babies. I've even gone through some training on how to talk to young women about the option of putting their babies up for adoption rather than keeping them or getting an abortion. The majority of pregnant young women I have worked with have also discussed being pregnant with their parents. I encourage them to do so. That's the best practice for any person working with them because whatever choice they make it is best for their parents to be involved and it's best for the family.

Now let's get to the difficult part; the really difficult part. Not every young woman who becomes pregnant is as lucky as the ones I'd mentioned previously. Some live in physically abusive homes. Some live in homes with long-standing issues of substance abuse. Some are homeless. Young women who have been thrown away. However difficult it may be to discuss this or accept it, some become pregnant by a family member; a father or a step-father. When I am not here this is often the world I live in, dealing with problems of this nature. I realize it makes people very uncomfortable to discuss the issue of sexual abuse, especially when it occurs within the family. To do my job you can't be squeamish about it. This bill would require a young woman who becomes pregnant through sexual abuse in her home to bring a parent to a clinic or to report in writing that they are a victim of sexual or physical abuse or neglect.

Men and women of the Senate, as someone who has worked for many years with victims of sexual abuse, I have to tell you that I think this is wrong. Survivors of sexual abuse struggle to speak about what has happened to them, to name it, sometimes for years. It takes a long time to do this. I have been privileged and honored to listen to them for a long time. I have listened to detailed stories about the issue we have before us today, about sexual abuse, about abortion. I can give you detailed, grizzly, and vile stories about the sexual abuse of these survivors. Do you want that? I doubt that you do. I am so tempted because

perhaps you might have a small inkling of what it might be like to be a teenage girl in those circumstances because the reality is I appreciate what the good Senator from Oxford said. The reality is that I have worked with girls who go through horror every night. That is often my job. It's also my job to help teenagers who are homeless, young girls who have been neglected and abused at home, thrown away. Sometimes their parents have just up and left. Men and women of the Senate, not every young woman lives in a family that is safe. Not every young woman even lives in a family. Some live in shelters. Some couch surf. Some are taken in by friend's families. Current Maine law allows a woman to get an abortion, a young woman, a minor child, with the consent of someone else in the family or a judge or an approved counselor. Before anyone speculates, I have never done this myself. I've never been that person that has signed for that. I've worked with clients to tell their parents if they become pregnant unless there is a specific safety concern or if there has been sexual abuse in the home. The current law works. It's not broken. The minor does have to provide a reason she is seeking an abortion without parental consent, but she does not have to disclose she's been abused. I will not vote to further traumatize young women who have been sexually abused. I'll stand up for them because, frankly, no one else does. Not everyone has the support of family. Maybe she does have a family. Maybe it's a family member that impregnated her. That's sounds ugly and vile doesn't it? It is. It is ugly and vile. Imagine just for a moment what it might be like to live it every day. Welcome to the world that I've heard about every day before I came here. My experience has been that many people want to pretend these things don't happen or that they don't happen in good homes. That would be very wrong. That's been my experience for many years. I'll be supporting the Ought Not to Pass report because I will not put a dangerous barrier, destructive and traumatizing, up for young women who already struggle with so much when so little people care about them. Thank you very much.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Valentino to Accept the Majority Ought Not to Pass Report, in concurrence. 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 (#274)

YEAS: Senators: BOYLE, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, FLOOD, GERZOFKY, GOODALL, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MAZUREK, MILLETT, PATRICK, PLUMMER, SAVIELLO, VALENTINO, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: BURNS, COLLINS, CUSHING, HAMPER, MASON, SHERMAN, THIBODEAU, THOMAS, TUTTLE, WHITEMORE, YOUNGBLOOD

24 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator **VALENTINO** 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 **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Establish a Separate Regulatory Board for Dental Hygienists"
H.P. 657 L.D. 933

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-452)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-452)**.

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

READ ONCE.

Committee Amendment "A" (H-452) **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 **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Prohibit State and Local Governments from Contracting with Corporations That Engage in Business in Known Terrorist States"
H.P. 955 L.D. 1338

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

Signed:

Senators:
LACHOWICZ of Kennebec
GERZOFKY of Cumberland