

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Twenty-Seventh Legislature
State of Maine

Daily Edition

First Regular Session

beginning December 3, 2014

beginning at page H-1

Felony convictions achieve the exact opposite result of what we all want—it is a disincentive for success. A felony record creates new barriers to folks getting back on their feet. A felony conviction is devastating for anyone trying to get out from under addiction, especially veterans and women.

As you have already heard today, Maine people with felony convictions face barriers to employment and education. How can we expect people—and we are talking about people with their first offense possession charge—how can we expect them to head toward success when we are throwing up these barriers? This is not common sense.

Mr. Speaker, let me be clear: Report "C" is not soft on crime. In fact, with this modest reform, Maine law will still be more punitive than federal drug possession laws. Federal law provides a maximum sentence of one year for possession of any amount of scheduled drugs. Federal law provides civil penalties for possession of heroin, cocaine, and methamphetamine below certain thresholds. In stark contrast, Maine law classifies possession of any amounts of opiates or narcotics as a felony-level Class B or C offense.

No one can deny that Mainers are suffering from addiction. We are facing a public health crisis. We need to find the resources to invest in treatment programs, which cut addiction at its root. This report is the only report that reflects a current biennium savings, freeing up precious dollars that can be invested in Mainers on the road to recovery. I am asking you to join me in voting "yes" on the pending motion. Thank you.

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

ROLL CALL NO. 287

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beebe-Center, Bickford, Blume, Brooks, Bryant, Buckland, Burstein, Chapman, Chipman, Cooper, Corey, Daughtry, Davitt, Devin, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Evangelos, Farnsworth, Farrin, Fecteau, Frey, Gattine, Gideon, Gilbert, Golden, Grant, Grohman, Hamann, Hanley, Harlow, Hawke, Herbig, Hickman, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Longstaff, Luchini, Malaby, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, O'Connor, Parry, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Schneck, Seavey, Short, Sirocki, Stanley, Stearns, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Vachon, Verow, Warren, Welsh, Wood.

NAY - Austin, Beck, Black, Campbell J, Chace, Chenette, Crafts, DeChant, Dillingham, Edgecomb, Espling, Foley, Fowle, Fredette, Gerrish, Gillway, Ginzler, Goode, Greenwood, Guerin, Hanington, Head, Higgins, Hilliard, Hobart, Lajoie, Lockman, Long, Lyford, Maker, McClellan, McElwee, Nutting, Peterson, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sherman, Skolfield, Stetkis, Theriault, Timberlake, Timmons, Tuell, Turner, Wallace, Ward, White, Winsor.

ABSENT - Campbell R, Herrick, Marean, Sawicki, Shaw, Wadsworth, Mr. Speaker.

Yes, 92; No, 52; Absent, 7; Excused, 0.

92 having voted in the affirmative and 52 voted in the negative, with 7 being absent, and accordingly Report "C" **Ought to Pass as Amended was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "B" (S-269) was READ by the Clerk and ADOPTED.**

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading.**

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "B" (S-269)** in concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH.**

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Strengthen the Consent Laws for Abortions Performed on Minors and Incapacitated Persons"

(S.P. 31) (L.D. 83)

Signed:

Senator:

JOHNSON of Lincoln

Representatives:

HOBBINS of Saco

EVANGELOS of Friendship

HERRICK of Paris

McCREIGHT of Harpswell

MONAGHAN of Cape Elizabeth

MOONEN of Portland

WARREN of Hallowell

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-197)** on same Bill.

Signed:

Senators:

BURNS of Washington

VOLK of Cumberland

Representatives:

GINZLER of Bridgton

GUERIN of Glenburn

SHERMAN of Hodgdon

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED.**

READ.

Representative HOBBINS of Saco moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Saco, Representative Hobbins.

Representative **HOBBINS**: Thank you, Mr. Speaker, Women and Men of the House, more than 25 years ago, when I was serving in the 114th Maine Legislature, I was the co-chair of the Judiciary Committee. My colleagues and I decided that this was a very significant issue. And we attempted, along with the assistance of Governor McKernan and his assistant legal counsel to craft a compromise bill to address the role of parents when Maine teens seek an abortion. The resulting law, Maine's Adult Involvement law, is effective, fair, just, and I stand before you in support of the current motion to keep it in tact.

In an ideal world, all young women facing an unplanned pregnancy would have a trusted parent or guardian she could talk with about her options and her decision. Indeed, most of the teenagers in Maine seeking an abortion bring a parent with them or have talked with a parent about their decision. Last year, nearly 80 percent of women involved a parent in the decision and

for the 26 that were unable, they had a safe adult, professionally trained to support them. As we all know, not all teens have an ideal world and live in an ideal world and feel they can involve their parents or guardians. Most laws mandating written parental consent for an abortion acknowledge this reality and offer an alternative, a judicial bypass.

Our committee, in a bipartisan way, considered this for Maine. But sending a teenager to court for permission to end a pregnancy is no real alternative for the vulnerable teenager who doesn't have family support. Involving courts in a teen's decision to seek an abortion is not an ideal solution and we have sought then and we ask you to maintain an option for Maine. This option, we all agreed, is better to have a trusted family member involved. But we also know that we cannot legislate, mandate, or force open, healthy, family communication.

By coming together to find effective solutions to this dilemma, the committee crafted what we feel was the best alternative: Maine's Adult Involvement Law. Maine's Adult Involvement Law states that a young woman under 18 who is seeking an abortion must obtain the consent of a parent, a guardian or other family member, or the consent of a judge. But also, there's the option to receive comprehensive options counseling from an approved counselor, such as a psychiatrist, psychologist, social worker, ordained clergy member, physician, nurse practitioner, or guidance counselor.

The law states that a young woman must receive unbiased, nonjudgmental counseling on all options including adoption, parenting, and abortion. The patient must be told that she can change her mind and be provided information on how to obtain prenatal care and birth control. The counselor must also discuss the possibility of involving a parent or an adult family member and the young woman must put into writing why she is unable to involve a parent in this discussion.

Remember, this law became effective in Maine over 25 years ago and remains intact. What I have just stated to you is what Maine law is and the protocol that must be followed under present Maine law. Since the law was enacted, teen pregnancy and abortion rates have reached historic lows. The state's pregnancy rate has dropped by approximately 55 percent, one of the sharpest declines in the nation, and teen abortion rates have also sharply declined at an even greater, steeper, rate than what I mentioned before. Minors having an abortion account for less than five percent of the total performed in Maine and the state teen pregnancy rate currently ranks fourth in the nation.

Given this progress, the question now comes to mind is why change an approach that has been working so effectively for the past 25 years? The truth is, LD 83 would not decrease teen pregnancy or abortions. It would not protect teens. It would not increase or improve family communications about sexuality, birth control, pregnancy, or abortion. It would only make a young woman's decision to seek an abortion more expensive, more risky, and more stressful. I urge you to support the pending motion and keep the existing law intact. Thank you.

Representative ESPLING of New Gloucester **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 PRO TEM**: The Chair recognizes the Representative from New Gloucester, Representative Espling.

Representative **ESPLING**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise today in support of LD 83. In fact, I am proud to offer my full support for this measure—not only as a lawmaker, but also as a mother and as a woman. Indeed, as lawmakers, part of our job is to give Mainers tools

they need to succeed and flourish. And for Maine families, that means that we should enable them to adequately care and protect their children. LD 83 does this by making sure that parents, or adult family members, have a chance to participate in a major medical decision of their children. Under current law, parental consent in the abortion decision of teenagers is a mere option. A physician or counselor can override parental consent. LD 83 makes this consent a requirement.

However, in its amended form, LD 83 also recognizes that not all teenagers can go to their parents or legal guardians for consent. That is why it also allows adult family members to give consent. It further allows a judicial bypass option for those teenagers who do not have adult family members that can give permission. This bill aims to make the judicial bypass option as safe and accessible as possible by removing the ambiguity in current law that allows an undefined and potentially dangerous "next friend" to petition the court on a minor's behalf. Instead, LD 83 allows nine different categories of adults, including a psychiatrist, psychologist, social worker, or member of the clergy to petition the court on the teenager's behalf.

Each of these provisions enhances the security of our children by ensuring that they have a trusted family member or adult counselor to support and guide them during a difficult time. As a lawmaker, then, I am happy to support this bill. But as I noted earlier, as a mother, the thought that adult predators under the guise of a "next friend" would no longer be equipped to use secret abortions to cover up wrongdoing is a comfort. It is a comfort to know that my girls don't have to be alone in a very important medical decision.

Finally, as a woman, I fully support this measure. I know, of course, that there are some in this room who would argue that requiring parental consent undermines the Constitutional right to an abortion. But according to the US Supreme Court in *Planned Parenthood vs. Casey*, a parental consent requirement with a judicial bypass option is Constitutional because it does not place an undue burden on the right to abortion. Indeed, most women support measures such as LD 83, as evidenced by a 2011 Gallup poll, which found that 72 percent of women support parental consent.

My fellow Representatives, I believe that this bill is necessary to ensure that Maine's teenagers have all the support and help they need at the time they need it most. And I think it is important for us as a legislative body to follow the wise example of the 38 other states who have recognized that parental or family involvement in the major medical decisions of our nation's youth is both necessary and beneficial. And I believe that it is time for us to join with 72 percent of women who agree that parental involvement in a minor's decision to have an abortion is an asset to our children, not a detriment. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Lisbon, Representative Crafts.

Representative **CRAFTS**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I wanted to express my support for LD 83. LD 83 proposes a law that is similar to those passed in 38 other states. That means that 38 other states have already recognized the need for teenagers to have their families involved in the decision to obtain an abortion. Thirty-eight other states have already decided that most teenagers will benefit from family involvement in abortion decisions. Thirty-eight other states have decided to empower parents by making sure that they have the chance to provide advice, counsel, and support to their vulnerable teens. I believe now is the time for Maine to follow suit.

Opponents argue, however, that Maine already has a parental involvement law and that this law has been working for

more than 25 years. However, the current law allows a physician to override parental consent if the physician deems the teenager competent enough to give consent. Not only can this provision create a conflict of interest, but this means that the parental consent is mere option. It means that Maine has, in effect, no parental involvement requirements.

Furthermore, how do we know that the current law is working? How do we know that in the long run, teenagers who return home after a secret abortion are better off than if they had told their parents? How do we know that abortion was not used to cover up a wrongdoing against a vulnerable teenager? LD 83 aims to better the current law. LD 83 aims to give families a chance to be involved in an important decision of their young vulnerable member. LD 83 aims to protect the minority of Maine teenagers who can safely involve their families with providing other options for those that cannot. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Berwick, Representative O'Connor.

Representative **O'CONNOR**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I stand in opposition to the pending motion and in support of the legislation. This bill, as many have said, simply requires the permission of a parent, guardian, or adult family member before a minor can obtain an abortion, also providing for a judicial impact whereby a minor or "next friend" can petition the court for consent, rather than obtaining parental consent.

This bill does limit "next friend" to adult family members and counselors already defined in the statute and will help minors from potential abusers and make the potential court process less intimidating. As said, 38 states currently require parental consent and/or notification. New Hampshire requires both parents. Massachusetts, one, and has since 1982.

Parental involvement, in most cases, is a safeguard for minors. The choice is, or should be, difficult. The choice our minors make every day, either way, will affect them for the rest of their lives. Healing, whether mentally or physically, must be shared with those who love the minor the most. When we share our pain and our suffering with our family and those we trust, the healing process begins. Think about this: kids need parental consent for driving, tattoos, aspirin at school, field trips, tanning, working past 10 o'clock, etc. etc. Yet some think it's okay to have a life-changing procedure, a procedure that is forever embedded in the mind.

It's astounding that we don't have this law already and I know that my daughter is 31 years old and my granddaughter is 15 and a half years old. We had the talk and I am very blessed to have her and without parental consent, I'm not quite sure I would have that lovely child. I know that my circumstances are different than a lot of people's, but life is precious and we should all consider it.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Dixfield, Representative Pickett.

Representative **PICKETT**: Mr. Speaker, thank you. Mr. Speaker, Ladies and Gentlemen of the House, I rise today in opposition to the pending motion and in support of LD 83. LD 83 in its amended form is a positive step toward safeguarding our state's vulnerable youth.

This is an important point because today you may actually hear people say the opposite. You may hear opponents argue that LD 83 will put vulnerable teenagers at risk, but I assure you that I would not support this bill if I thought that were true. Indeed, LD 83 in its amended form seeks to enhance the safeguards for all teenagers by requiring a parent, legal guardian, or adult family member to consent to a major medical procedure and by creating a process by which teenagers, if needed, can bypass that requirement.

Why, then, do opponents say that this bill is risky? Most often, this argument stems from the idea that some parents would hurt a teenager who discloses a pregnancy. Of course, it would be naïve to say that this is not a possibility. I understand that there could be a parent who would violently respond to a pregnant teenage daughter. However, putting aside that fact that studies show that this occurs in less than 0.5 percent of cases, LD 83 accounts for this possibility by allowing adult family members, not just parents, to give consent.

Furthermore, this bill not only provides a judicial bypass option by which teenagers can petition the court for consent if they feel that they cannot go to their parents, but it aims to make this option as easy as possible by supplying a list of adults who can assist a teenager in that process. In this way, LD 83 protects the majority of Maine teenagers whose parents do not pose a risk to them and the minority of those who may need another option. Further, LD 83 addresses the risk posed by current law that allows an undefined "next friend" to petition the court on a minor's behalf by limiting this "next best friend" to adult family members and counselors.

My friends, LD 83 is a commonsense law. It does not aim to undermine any rights or promote a particular view about abortion. It simply requires family involvement in the serious medical decision of a vulnerable teen. I ask you to please join with me in defeating this motion and follow my light which will be red. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Knox, Representative Kinney.

Representative **KINNEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, there may be many here today who see this bill as a pro-life bill. I believe it can actually be described as a pro-parent bill. In fact, though I am pro-life, I would support this bill even if opponents are right that parental consent laws do not reduce abortion rates. This is because I believe parents not only have the right to be involved in the major decisions of their children, but that parents are in the best position to provide much-needed support and guidance for their children.

I'm quite troubled to think of the implicit message that a rejection of this legislation would send to Maine teenagers: that parents are obstacles to their well-being; that a parent's knowledge of, or permission for, a medical procedure that could have life-long consequences is unnecessary. A blanket rejection of parental rights laws is based upon an assumption that minors do not need or will not benefit from a consultation with their parents. Any good parent would be an advocate for their child, and grandchild, in the case of abortions.

Of course, there are some parents who may pose a risk to a pregnant teen, which is why this bill provides a judicial bypass procedure. In many cases, children's fear is more likely that of disappointing their parents, rather than a fear their parents would do them harm. As a parent, this is a very hard pill to swallow. But it is even more difficult to swallow when I think about the fact that our state requires parental consent for a host of other things: tattoos, ear piercings, field trips, tanning, etc. In each of these cases, the state recognizes that parental involvement is both necessary and beneficial to the health and safety of Maine children.

Why, then, is abortion excluded from this recognition? Why do we insist that parents' right to protect their children is welcome and necessary in the tattoo parlor, or in the tanning salon, or the boutique, but not inside the abortion clinic? I have double pierced ears and I had them both done when I was in junior high and my mother had to give consent for me to have those piercings done.

Abortion is a surgical procedure that will affect the person who has one for the rest of their lives. Why wouldn't a parent need or want to be involved? I personally had a miscarriage, also called a spontaneous abortion, in 2008 which resulted in an emergency trip to the OR. Even at the age of 36 I was comforted by the fact that my mother was by my side as my unborn, and sadly deceased, child was removed from my body. I cannot imagine if I had to go through this as a teenager all alone and the child was still living inside me.

So, I would respectfully ask this body—no matter what your views on abortion are—please support a parent's right to be involved in the important decisions of their children and grandchildren by voting "Ought to Pass" on LD 83 and rejecting the current motion. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Harpswell, Representative McCreight.

Representative **McCREIGHT**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House, I rise in opposition to LD 83 and ask you to support the current motion. In Maine, we have a very good, very effective law to address the issue of minors who seek abortions; it's known as the Adult Involvement Law. Representative Hobbins gave you some of the details about the bill so I won't repeat them.

But I just want to stress that Maine has seen a dramatic decline in teen pregnancies and abortions since the 1989 enactment of our current Adult Involvement Law. I won't go into a lot of detail about the negative results we've seen in states which restrict access to legal abortions—such things as young women traveling to other states, delayed and therefore riskier abortions, being pushed into seeking illegal, unsafe and life-threatening abortions. I instead ask you to put yourself in the shoes of a young woman facing this important decision. And please don't assume that everyone has the same experience that you do. Think instead of a young woman I'll describe to you who is pregnant and cannot talk to her parents.

As a very little girl, she was the victim of sexual abuse by an adult family member. As is the case in dysfunctional family systems, her older brother took on the role of trying to keep the family together, no matter what. After all, this was the only family he had, the only way of treating children that he knew. If his sister told, he feared the consequences for all of the family. To stop his little sister from talking, he took her most favorite, most comforting stuffed animal from her, and he actually held it captive and threatened to stab it. This is a powerful threat to a little child. So, the abuse of this little girl continued; she didn't talk. She couldn't take the risk to talk. She was still a young girl when she became pregnant by her abuser. And who could she go to for help? Not her abuser, not her older brother, not her parents who hadn't kept her safe.

With today's effective Adult Involvement Law, a young woman who can't go to a parent can go to a certified counselor, a clergy person, a doctor, a judge. If she decides, with this adult support, that she wants to seek an abortion, she will have her full range of options described in a non-biased, nonjudgmental way and she will be supported in her decision, not coerced. After this counseling, if she chooses abortion, she will have a safe, legal abortion with any after care she needs. She will not need to put herself at risk of further abuse. I ask you to oppose any change to our effective Adult Involvement Law and I urge you to vote in opposition to LD 83. Thank you, Mr. Speaker.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Scarborough, Representative Vachon.

Representative **VACHON**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition of the pending motion and in support of LD 83. Good parenting is the greatest

gift a child can have in living a meaningful and productive life. And don't we all know that parenting and parents are not always easy. There are battles and there are tough times. There's tough love because there is great love.

There is no replacement for family and the role of parents should not be diminished. Parents are crucial to the well-being of teenagers. They are not obstacles to their healthcare. This bill protects minors and parental rights. It requires parental consent for an abortion. I figure, if we, earlier this session, voted for parental consent to use the tanning bed, why wouldn't we vote for parental consent for an abortion. I urge you to follow my light. Thank you.

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

Representative **AUSTIN**: Thank you, Mr. Speaker. Ladies and Gentlemen, mothers and dads, grandmothers and gramps, I stand in support of the Act To Strengthen the Consent Law for Abortions Performed on Minors today. As I think back over the years to the several medical procedures that my children have had, I remember how I was there with them from the start to the finish. Every time when they opened their eyes I was there to be sure that they received the care and the attention they needed, not only from the medical professionals, but from me or their father.

Now as I stand here today, excitedly and momentarily awaiting the arrival of our 11th grandchild I think to how I have stood with our children and I know now that my children are standing with their children. We've been there constantly to give vigil over the procedures and the operations, and to take care of them. And I think to the nights when as, about the age just before 18, a middle teenager, they had procedures and I would hear their voice in the night. And they would call out. And they just needed that extra touch of comfort, or maybe the dressing didn't feel comfortable.

I think of the young, young girls that are facing this and I want them to have that comfort, too. Hopefully, from their mothers or their dads, their grandmothers or their grandfathers, to be able to stand by them and show loving care in support at one of the most difficult times of their life. I want them to have the oversight that they deserve as young women as they recover and they heal both physically and perhaps emotionally. Please join me today as we give parents, grandparents, siblings, family members, the privilege and the opportunity to do their very best for their children. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Cape Elizabeth, Representative Monaghan.

Representative **MONAGHAN**: Thank you, Mr. Speaker Pro Tem, Women and Men of the House, in Maine, the state's teen pregnancy rate currently ranks fourth lowest in the nation and much of this has to do with the result of Maine's Adult Involvement Law which was enacted in 1989 through bipartisan work of the Legislature, and signed into law by Governor McKernan.

It has been held up as a national model to ensure that young women considering abortion receive the support they need. Our current law is indeed effective. Since it was enacted, the number of Maine teen pregnancies and abortions have reached historic lows. Teen pregnancies have dropped by approximately 55 percent, one of the sharpest declines in the country and teen abortion rates have declined even more steeply, by more than 75 percent.

I'm sure all of us would agree that for a young woman considering an abortion, the ideal situation is for parents to be involved. In fact, in the majority of cases, they are. But, the ideal is not always the reality. And as much as we'd all like to have

parents involved, it is simply not possible to legislate or force open, safe, healthy family communication. For this reason, our current law encourages parent involvement but includes options by allowing a young woman to have the support she needs. She has the option to involve the following: a parent or a guardian or family member, or a counselor defined to be a psychologist, psychiatrist, social worker, ordained cleric, physician's assistant, nurse practitioner, guidance counselor, or nurse, or the consent of a judge, or a qualified physician can determine that the minor is mentally and physically competent to give consent.

The counselor or physician must: tell the young woman she can change her mind. The counselor or physician must also discuss the possibility of involving a parent or adult family member. She must, and this is current law, she must receive unbiased, comprehensive counseling about her options—adoption, elements of pre- and post-natal care, or abortion—from a qualified counselor, which includes a psychiatrist, psychologist, social worker, ordained clergy member, physician, nurse practitioner, or guidance counselor.

I ask you to think about and have empathy for those young women who are not able to involve a parent. Put yourself in these shoes. Please don't assume that everyone has the same experience you do. Think of the young woman who is pregnant and cannot talk to her parents. Perhaps she is a victim of rape or incest. Perhaps she is a member of a family where she suffers abuse at the hands of her parents, guardians or siblings. Who can she go to? Current law already requires her to have adult support. Think of yourself in this situation. You can't safely talk to your parent, you don't have a clue how to go to probate court to obtain permission.

Requiring parental consent would not make dysfunctional families become suddenly healthy and great at communication. In reality LD 83 would restrict access to a legal, safe abortion and would add unnecessary health risk. We have been incredibly successful in reducing teen pregnancy and abortion rates in Maine. Let's not change a law that works. It already requires that young women must have adult support and guidance; it has reduced teen pregnancy and teen abortions.

I urge you not to support LD 83. And on a personal note, having, representing the Town of Cape Elizabeth, which, by all accounts is known as a beautiful, wealthy, affluent community. My daughter's 15 years old. We have conversations similar to these types of conversations monthly—weekly, sometimes, 'til she tells me to please stop talking about it. But I can tell you right now, even representing a community such as Cape Elizabeth, my daughter is very lucky. I have her back. I tell her almost monthly, "If a situation like this ever occurs, I have your back Stephanie. I will always be there for you. I will always help you." But I can tell you, there are many, many girls in her class, in her sophomore class, in her junior class, in her senior class, that are not that lucky. So, on that note, I ask you to support the pending motion, Ought Not to Pass on LD 83. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Carmel, Representative Reed.

Representative REED: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition to the pending motion and to testify in support of LD 83. You know, when I decided to run for public office, I never thought that one day I'd be giving testimony on whether or not parents or a parent of an underage child or teenager should be notified before the child undergoes an abortion. If parents shouldn't know, then who should know?

And yes, I'm aware of the arguments that all families are not perfect, and I realize that in some cases there are family members that are guilty of some horrendous acts against other

family members. My answer to that is to find them, prosecute them, and then deliver them to the slammer where they belong. But let's not use this as a reason to take away these rights from the parents of our many good families because of the actions of a few predators. If this were a tonsillectomy, a double bypass, or some other major operation, should we expect that parents would be notified? Or would we say that it is a decision best left to a teenager and her doctor? You folks in this House don't really believe this. Matter of fact, if it was your child and you were the one not notified, you'd be turning over every rock until you found out why you were not informed. How do I know? Because that's what I would do.

During a teaching career that spanned more than four decades, I was made aware numerous times of students that had certain physical needs that may require some special assistance from the nurse from time to time. We were notified as to which students had food allergies and who was allergic to bee stings. We were told who were required Epi-pens and who were required to see the nurse for the dispensing of medications during the school day. As teachers and coaches we were cautioned over and over again never to dispense any medications under any circumstances. It is easy to see in these examples the importance of communication between the home and school.

On two occasions this past basketball season two players, at different times, requested to be allowed to go home with their parents rather than ride the bus. This is a practice that is often discouraged by coaches in team sports because of the importance of building strong team chemistry. But there are times due to sickness or injury that it really is in the player's best interest for him to be made as comfortable as possible. In both instances, the players were reminded to take a written note to the athletic director's office and to bring one to the coach. The parents and players were also required to see the coach immediately after the game to verify that the boys, indeed, were leaving with their parents.

Now, if these procedures were not followed, they would've travelled back on the bus. My point is this: If communication is so essential to ensure the safety of our athletes on basketball trips, how much more essential is communication with parents when we are talking about an underage daughter about to have an abortion procedure. I decided to ask a few people if they thought the parents of a 15-year-old girl should be notified before having an abortion. One response I got was, "What kind of a question is that? A 15-year-old is a teenager. Of course the parents should be notified." Another said, "It is already the law. You have to notify the parents about everything when it comes to kids." I think these are typical responses one could expect from people if they were asked this question. I think I thought that that was true, myself, until I got here.

We all know that an abortion isn't your everyday operation. It is the decision that will often be triggered by something and recalled over and over again in one's lifetime. It could be, "I wonder what she would've been," or "I wonder what he would've looked like." Sometime during one's lifetime, these thoughts will arise. So, my friends of the House, this decision is far too serious and the scar is too long lived not to have parental notification. Regardless of party affiliation, I don't believe for a moment that anyone in this house really believes that parents should not be notified if this were their child. I hope you will truly think about this and vote to put this consent where it really belongs: back in the hands of parents. Thank you, Mr. Speaker and thank you, Ladies and Gentlemen of the House.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brunswick, Representative Daughtry.

Representative **DAUGHTRY**: Thank you, Mr. Speaker, esteemed Colleagues of the House, I rise today in favor of the pending motion. I want to share with you a story from when I was under the age of 18. I remember sitting in a car with one of my friends and she just kept talking about the shame. She sat in my car crying and shaking her head, "They just wouldn't understand."

We were sitting in a high school parking lot and looking at each other wondering what to do. She had come to me because she had no one left to turn to. She couldn't tell her parents; they'd made it very clear early on that they didn't want to hear about anything to do with her relationships and that they already didn't approve of who she was and where she was going in her life. And her boyfriend had just left her, and now she was pregnant. She didn't know what to do and she had come to me. I also didn't know what to do. So I asked a teacher, I asked friends, I asked our school nurse and they told me about the existing law—that even though she lived in fear of her parents, that she could still seek help; that she could go to the local clinic; she could get counseling. And even though her parents wouldn't have signed off on the procedure, she could still go through what she had decided was the best decision for her and for her future.

Not everyone has supporting parents. It is the honest truth. It's not an anecdote; it's a fact. Not everyone had the idyllic American family we all dream of. Not all of us are married with two and a half children, a single family home with 2-car garage and preferably a perfectly painted white picket fence out front. And we don't all live in the "golly-gee" world of *Leave it to Beaver*.

Since that moment where I helped my friend go to the clinic and she had an incredible conversation with the healthcare provider who helped guide her through the process, I realized at that time in high school what I wanted to do was serve as a support for those who had no other supports. I was the girl who was there for when a couple didn't know what to do when the worst possible scenario happened. When they couldn't talk to someone, I was that shoulder to cry on. I was that person who would look across the room and realize the person just needed a hug. I've seen women who've decided to keep their babies. I've seen women who've decided it was best to go forward with an abortion. But I know from my experience with all of my friends and loved ones that you can't always go to a parent.

Not all children have the same incredible relationships with their parents as we've heard described today. I have to say: I'm blessed. My parents are absolutely amazing and I can go to them with anything. And, in fact, if you've seen me pacing in the hallway, probably talking a little bit too animatedly with my hands, I'm probably on the phone with my mother or father. In fact, many of my friends have turned to my parents in their time of need because they are just that supportive.

One of my friends who was frightened to tell their parents about a pregnancy came to my parents. I remember them completely in tears unsure of what to do. My parents sat down with them and walked through the law and explained what they could do, and in fact even told them to go tell their parents. And that's what happened in that situation.

My parents are my heroes and in most cases, as we've heard, 80 percent of all teens who go through abortions are there with their parents. And most teens are blessed to have their parents with them at this trying time. But not everyone can. And I actually talked to my parents about this bill. What would they want to do? Well, luckily my dad quipped and said that he'd be right there beside me in the clinic holding my hand and making sure that I got through it. And same with my mom. But they agree that as parents they understand that not everyone is like them and they would want to make sure that if a young woman was facing this decision that she could go through and find a

trusted colleague, who might not be a parent—who might be the source of violence or strife in their life—but that there'd be someone else out there to help guide this minor through this trying time. I stand in favor of this motion because we don't need to put any more barriers in front of what an existing law that has worked so well and that I have seen firsthand make a difference in minor's lives. I urge you to follow my light.

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

Representative **McCLELLAN**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, these are always, for me, some of the toughest issues we debate every year. And so, I've sat here and listened to hear what folks have said, and some of the more recent conversation as we're talking about an underage child, I've heard the term "woman," all of a sudden it's a woman, who I listened to the process and sounds like this woman could maneuver various hoops and, you know, manage this abortion process while under whatever cloud she also might be carrying because of the situation she's in. And yet, I've been here long enough, Mr. Speaker, to hear discussions about the woman, now again a child, not being able to handle a gun, drive a car, get a suntan, or work extra hours, and there's more on that list, I just am not coming up with them all at this point.

Mr. Speaker, I also, my second to last point: I've never been involved with an abortion, you know, other than what I've read and the many discussions we've had here, Mr. Speaker. But I do have concerns for after the abortion. All the issues that I have read about, in terms of mental health issues—about injury, about people who have an abortion then can't have a child in the future; things that I don't think are told, in most cases, before the abortion. And I'm hearing, again we have this process where somebody, some cold, perhaps, person will accompany you through this journey versus a loving family member who will do that because I think most family members are loving. Are they all? No. But I think most are, Mr. Speaker.

And I remember, Mr. Speaker, a bill just recently that we talked about having to change a law because we had situations where friends were together and a friend overdosed and the other friends were afraid to call the police because they didn't want to get in trouble. And are we saying the same situation? A friend accompanies a friend to an abortion and it goes awry and could possibly the friend ditch the friend? I don't think loving family does that, Mr. Speaker.

So, you know, I mean so much of what goes on in the world these days, I think, is about the family. We've broken down the family. We've removed the family from so much. We've taken responsibility away from the family, Mr. Speaker. And I just say defeat this motion and support LD 83, and among other things, let's start to rebuild the family, Mr. Speaker. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Hallowell, Representative Warren.

Representative **WARREN**: Thank you Mr. Speaker. Mr. Speaker, Women and Men of the House, I rise today in favor of the Ought Not to Pass motion. Maine's current Adult Involvement Law allows for young women who are in dangerous and abusive situations at home to obtain an abortion.

Replacing this law with a one-size-fits-all government mandate will not help parents keep their daughters safe. Young women who choose not to involve a parent often have very real concerns for their safety. One study found that one third of young women who do not notify their parents about an abortion have experienced family violence and fear it will recur. According to the Maine Coalition Against Sexual Assault, in most child sexual abuse cases, the perpetrator is known to the minor and is often a trusted adult or family member. Eighty-five percent of

minors who are sexually abused never tell, or delay telling about their abuse, often for fear of what will happen to them or to their families if they disclose. Research shows that the closer the minor is to the abuser, the less likely that she will disclose the abuse.

This bill would require a young woman to involve her parent, or adult family member, or to face a judge to request a bypass. Forcing a young woman to either involve a parent or another family member in their decision to terminate a pregnancy, or else face a judge to disclose their circumstances is coercive and can serve to further endanger the victim. Maine's current Adult Involvement Law strikes the correct balance: encouraging a young woman to involve her parents while providing an alternative in the case that she feels that she cannot share her circumstances with her family. Our current law allows for young victims to speak with qualified professionals about the decisions that lay ahead, and to have guidance and support in choosing the right path for themselves.

This bill was opposed by a number of organizations including the Maine Medical Association, the Maine Coalition Against Sexual Assault, the Maine Coalition to End Domestic Violence and organizations that work with homeless and at-risk youth. And, it was opposed for good reason: forcing a young woman to get permission from an obviously untrusted adult family member or a judge will not necessarily mean that she won't get an abortion, but it could likely result in a situation where the pregnancy is ended in an unsafe manner. Passage of LD 83 puts health and safety of our young women at risk and I ask you to join me in voting for the current Ought Not to Pass motion.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Westbrook, Representative Gattine.

Representative **GATTINE**: Thank you, Mr. Speaker, Women and Men of the House, I rise in support of the motion. Mr. Speaker, as my friends in the chamber know, I have two kids, a son and a daughter, twins who have recently gone off to college. So my days of full-time hands-on parenting of teenagers has now come to an abrupt end. I think someday I may recover. As I listen to this debate, I think about my kids, and obviously I think, in particular, about my daughter and as the parent of a young woman, this debate really focuses my attention on her and the impact that this legislation would have on her and other young women.

I don't really talk about it much because I don't really have to. My daughter has a chronic disease that she developed in middle school and it's a disease that can have devastating and life changing impacts if not managed correctly. It doesn't really have to be that way though if you make smart decisions and if you take on the responsibility and accountability for your own good health. And if you develop trusting and mutual relationships with the medical professionals who give you care, this disease can be managed. And I'm happy to say that as my daughter has become an adult that she's been able to stay in good health and I can assure you that if you ever met her, and some of you have, you'd never know that she was ever sick or some of the things that she's had to deal with. And needless to say, her mom and I are pretty proud of her.

But the point is that early on when she was a young child, her mom and I made a lot of medical decisions for her. But as the years flew by, we learned that the most important thing that we could do for our daughter was to impress upon her the importance of making smart decisions herself; that she was accountable for her own health; that decisions she made as a teenager could have an impact not just on her immediate situation, but on her future and on the rest of her life. And when she became a teenager and went to high school, we quickly

learned that for the most part a lot of the important choices that she needed to make were her choices and they weren't our choices.

And the fact that she's been successful managing her own healthcare and her own life up to this point isn't because my wife and I made good choices, or even because we gave her good advice, which we try to do. It's because we put her in a position to make smart choices for herself, and to understand that those choices have consequences and that those choices are her choices and that those consequences are her consequences.

You know, at the end of the day it isn't our job as parents to dictate. It's more than just a signature on a form or a permission slip. It's to teach and nurture and put our kids in a position where they feel capable and empowered to make good decisions. And as they develop, kids are going to make more and more choices on their own and as parents we're going to be there for them. But they're going to decide sometimes when and if they have to involve parents and some decisions they're going to want to keep private, understandably. And as parents our job is to make sure that they're prepared to make those choices; not to make those choices for them.

So I trust that my daughter would come to me or her mother when important medical decisions need to be made. More than that, I want her to be safe and well cared for. I would want her to feel supported by a caring adult with the training and experience, who's concerned for her safety, well qualified to give her accurate and compassionate counsel. And I think that Maine's adult involvement law does exactly that and that it works. And that's why I'll be voting in support of this pending motion. Thank you, Mr. Speaker.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Freeport, Representative Gideon.

Representative **GIDEON**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House, as the mother of my own daughter, I want to believe that any time she is in need in her life, she will feel safe coming to me. But what I know for sure is there's no guarantee of that. And though most young women, even in this state, choose voluntarily to involve a parent in their decision to terminate a pregnancy, there is a small minority of young women who feel that they cannot include a parent in this critical decision.

For them, a bill like LD 83 has serious and heartbreaking consequences. It definitely did for Becky Bell, who was 17 years old when she died. The pathologist who performed Becky's autopsy found that her death was caused by Strep pneumoniae and that Strep pneumoniae was brought about by an illegal abortion. Becky's parents, named Bill and Karen, have a story that follows. These are their own words. This is how they describe finding out the cause of her death. They say this: "We finally understood our daughter's last words. In the hospital, she had taken off her oxygen mask and said, 'Mom, Dad, I love you. Forgive me.'" Devastated, the Bell's asked themselves why their daughter would've risked an illegal abortion. How could this have happened?

The Bell's told lawmakers—they were testifying about another bill in their Legislature at the time—they told lawmakers the answers they learned following Becky's death. Here's what they testified: "Becky had told her girlfriends that she believed we would be terribly hurt and disappointed in her if she told us about her pregnancy. Like a lot of young people, she was not comfortable sharing intimate details of her developing sexuality with us, her parents. Becky discovered that our state has a parental consent law, which requires girls under the age of 18 to get their parents' permission before they can get an abortion. A Planned Parenthood counselor told her that she could apply for a

judicial bypass as an alternative to parental consent, and the counselor remembered Becky's response. Becky said, 'If I can't talk to my parents, how can I tell a judge who doesn't even know me?' Desperate to avoid telling us about her pregnancy, and therefore unable to go to a legal, reputable, medical establishment where abortions are provided compassionate and safely every day, Becky found someone operating outside the law who would give her this abortion." She had a back-alley abortion, Mr. Speaker. "And ultimately a parental involvement law led to our daughter's death."

In states with parental consent laws, there is no evidence that fewer minors seek abortion. In fact, the evidence actually shows that young women subject to these laws are more likely to seek abortion in a nearby state, which would not mandate a parent's presence, or worse, as experienced by the Bell family, they take matters into their own hands. We all hope that families have open, honest communication, but we cannot afford to be naïve about this when the health and wellbeing of young women is at stake. The fact is: there are families that do not communicate, especially about issues like sex and sexuality. Forcing teens to confront a parent to talk about her sex life will not make for better or more informed family conversation. In some cases, it will be tragic.

While I would want my daughter to come to me or to Ben, her father, with a decision like this, there is something I want more than that. I want her to be safe. I want her to be well cared for. I want her to feel supported by a caring adult, even if that adult is not me; an adult who has the training and the expertise, who is concerned for her safety, and who is well-qualified to give her accurate and compassionate counsel. For those young women who are unable to involve a parent, the Maine Legislature has already developed a thoughtful approach designed to ensure the safety and health of our young women. Maine's existing Adult Involvement Law works. That is why I will be voting for this pending motion. Thank you.

The SPEAKER PRO TEM: 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. 288

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Grohman, Hamann, Harlow, Herbig, Hickman, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Longstaff, Luchini, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Stuckey, Tepler, Tipping-Spitz, Tucker, Warren, Welsh, Mr. Speaker.

NAY - Austin, Black, Buckland, Campbell R, Chace, Corey, Crafts, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanington, Hanley, Head, Higgins, Hilliard, Kinney J, Kinney M, Lajoie, Lockman, Long, Lyford, Maker, Malaby, Martin J, McClellan, McElwee, Nutting, O'Connor, Parry, Peterson, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Sawicki, Seavey, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Bickford, Dillingham, Hawke, Herrick, Marean, Picchiotti, Shaw.

Yes, 77; No, 67; Absent, 7; Excused, 0.

77 having voted in the affirmative and 67 voted in the negative, with 7 being absent, and accordingly the Majority Ought Not to Pass Report was **ACCEPTED** in concurrence.

ENACTORS

Emergency Measure

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2016 and June 30, 2017

(H.P. 740) (L.D. 1080)

(C. "A" H-457)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Gorham, Representative McLean.

Representative **McLEAN**: Thank you Mr. Speaker, Men and Women of the House, I rise in support of the Ought to Pass motion. While the Appropriations Committee has been busy putting together the biennial state General Fund Budget, another important budget—but one that gets far less attention—has been taking shape. I want to take a moment to thank the members of the Transportation Committee, both my Democratic and Republican colleagues in the House for the important conversations we had, the concessions we made and the respectful and civil way we conducted our work.

This billion-dollar Highway Fund Budget is the money from state and federal sources that is dedicated to road and bridge replacement, investments in our airports, seaports and rail lines. Writing the Highway Fund budget has grown more challenging each two-year cycle because we are working with fewer and fewer dollars to invest in our roads and bridges.

Anyone who drives over Maine roads knows the rough shape that they're in and the condition of our infrastructure is a result of the chronic underfunding of our transportation system. Maintaining our transportation infrastructure is an expensive endeavor, but it's critical to the success of our economy. I am proud of the work our Transportation Committee has been doing over the last two months on the Highway Fund budget, identifying the most urgent investments and looking for ways to more efficiently and effectively allocate the resources we do have to those projects.

While we have found funding for many important and significant investments in the infrastructure, it still falls far short of what Maine needs. Maine is a big state with relatively few people spread out all over it. Compared to New Hampshire, which has about the same population, Maine has roughly twice the roads and bridges to take care of. This space and density is part of what makes Maine great, but it also presents transportation funding challenges.

According to MaineDOT's own work plan, our highway and bridge system requires an additional \$150 million every year just to keep up with basic maintenance. The recently issued report, "Keeping Our Bridges Safe," has indicated that we have a shortfall of nearly \$70 million, just to maintain the integrity of our bridges in our state. This is basic "gotta do" work, not wish lists, not expensive pet projects. This is stuff that needs to get done. In this year's budget there is actually \$0 in the capital line, meaning there is no money available to complete a project without some sort of cash infusion or bond package. If this doesn't happen the Department will have to cut projects starting this summer.