

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Seventh Legislature

State of Maine

Daily Edition

First Regular Session
beginning December 3, 2014

beginning at Page 1

Ordered sent down forthwith.

HELD MATTER

Joint Order Establishing a Work Group To Plan the Transition to Funding Fifty-five Percent of Education Costs and One Hundred Percent of Special Education Costs as Mandated by the Voters at Referendum

S.P. 529
(S "B" S-246 to S "A" S-208)

(In House, June 16, 2015 **PASSED**, in **NON-CONCURRENCE**.)

(In Senate, June 16, 2015, on motion by Senator **MASON** of Androscoggin, **ADHERED** to **PASSAGE AS AMENDED BY SENATE AMENDMENT "A" (S-208) AS AMENDED BY SENATE AMENDMENT "B" (S-246)** thereto.)

On motion by Senator **JOHNSON** of Lincoln, the Senate **RECONSIDERED** whereby it **ADHERED** to **PASSAGE AS AMENDED BY SENATE AMENDMENT "A" (S-208) AS AMENDED BY SENATE AMENDMENT "B" (S-246)** thereto.

Same Senator moved the Senate **RECEDE** and **CONCUR**.

On motion by Senator **MASON** of Androscoggin, 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 (#277)

YEAS: Senators: ALFOND, BREEN, DIAMOND, DILL, DUTREMBLE, GERZOFISKY, GRATWICK, HASKELL, HILL, JOHNSON, LIBBY, MILLETT, MIRAMANT, PATRICK, VALENTINO

NAYS: Senators: BAKER, BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGEComb, HAMPER, KATZ, LANGLEY, MASON, MCCORMICK, ROSEN, SAVIELLO, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion by Senator **JOHNSON** of Lincoln to **RECEDE** and **CONCUR FAILED**.

On motion by Senator **MASON** of Androscoggin, the Senate **INSISTED**.

Ordered sent down forthwith for concurrence.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Assigned (6/8/15) matter:

SENATE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act To Strengthen the Consent Laws for Abortions Performed on Minors and Incapacitated Persons"

S.P. 31 L.D. 83

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-197)** (5 members)

Tabled - June 8, 2015, by Senator **BURNS** of Washington

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report

(In Senate, June 8, 2015, Reports **READ**.)

THE PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Davis.

Senator **DAVIS:** Thank you very much, Mr. President. Colleagues in the Maine State Senate, I rise in support of the pending motion. As a legislator I'm given the opportunity to introduce bills in this Body, but as a father and a grandfather of four granddaughters and now a great-granddaughter I am deeply aware of the need for this amendment. Like everyone in this Chamber, I want the youngest members of my family to always have access to the best possible care, protection, and guidance when making decisions or going through a very difficult time and, like many of you here, I believe that that care will most often come from a child's family. I believe that current law endangers that protection by making parent or family involvement, when a teenager has an abortion, it turns it into a mere option, and that's why I believe this amendment is needed. This amendment retains the best part of our current law while eliminating the loopholes that are present. It requires the consent of an adult family member before an abortion may be performed on a minor. This bill also provides a safeguard by which a minor can petition the court for consent in the rare cases where the parent or family member consent may possibly be unsafe. It also allows the court to appoint a guardian ad litem for the minor and the law provides that all of this must be kept in the strictest confidentiality.

I think this legislation is needed because the current parent involvement law in Maine will fill with what I feel are potential conflicts of interest. For example, it allows the abortion provider to override parental consent by determining if the minor is mentally and physically capable of consenting to an abortion, thus the very person who is benefiting financially from the procedure, the provider, could be the one to determine if the teenager is capable of consent. Additionally, the current law allows a next friend to file a petition in court on behalf of the minor, granting them consent rights for directly consenting to the abortion. I believe this is dangerous because next friend is not clearly defined. It could be the very person that impregnated the girl. It also could be someone trying to cover up criminal activity. This

Off Record Remarks

amendment would amend Maine law to ensure that, in most circumstances, only a parent, family member, or legal guardian is given the right to consent to a teenager's abortion. In addition to the teen receiving information and counseling, that is currently required in the law and is certainly going to stay there, at least one of the teen's parents, guardian, or adult family member could consent to that abortion. This issue does not confine consent to parents or legal guardians only. It also allows for adult family members to give consent. My understanding is that's anyone in the family that's over 18 years old.

Some of the things in law have always troubled me, having daughters and granddaughters, like I said. Currently, teenage girls can't get their ears pierced, get a tattoo, go on a field trip from school, or begin driver ed without parental consent. This legislation passed a law that will require parental involvement in these activities because we do not believe teenagers should be making these decisions on their own without their parents' involvement. Under current law my granddaughters cannot get an aspirin without their parents' consent at school, but they could have a major medical procedure, such as an abortion, performed on her without her parents having any idea that it is happening. I find that unbelievable.

We all strive for good healthcare in this state. We all have different opinions on it, but we all want it. I just don't understand why we would cut off an important part, the parents, from obtaining this goal. Mr. President, I've lived a long time, been on this earth quite a while. I've been in government for a long time. I worked for the government. I've been around agencies, both profit and non-profit. Mr. President, I can tell you none of these, regardless of how well intended they might be, can replace the love and the nurturing of a parent and the love of their child. Parents are willing to face danger, sacrifice, hardship, heartache to provide the best for their children. Parents need to be there, by their children's side, when facing such life altering decisions. Currently, Mr. President, 38 states currently require some level of parental consent or notification before a teenager may receive an abortion. Even our neighbors to the south, hardly a bastion of fundamental conservatism, Massachusetts, requires parental consent for abortion. This parental consent requirement is designed to enhance the feeling of security and support for a young teen, giving that young teenager a better chance at living a healthy and happy life. The safety of our teens and the rights of parents, we should support this issue. As law makers, I believe, we need to be working with parents and, as parents and grandparents, we need to be given the chance to support the most vulnerable in our families. One of the things, Mr. President, that has disturbed me over the years, and Daniel Patrick Moynihan spoke about it many years ago regarding the black families, is the destruction of our families in society. I believe this issue will strengthen all that. I urge you all to follow my light when voting. Thank you, Mr. President.

On motion by Senator **JOHNSON** of Lincoln, 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 Lincoln, Senator Johnson.

Senator **JOHNSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to L.D. 83 and, therefore, in opposition to the pending motion. I have two

daughters, now adults, and three granddaughters. I want to believe that when my daughters were minors if they were ever in need they would have felt safe coming to me or their mother about an unwanted pregnancy. In fact, most women do choose to involve a parent. Maine's three public abortion care providers report that last year only 26 out of the 108 young women who decided to end their pregnancy did so without a parent's consent. For those young women who are unable to involve a parent, the Maine Legislature developed a thoughtful approach designed to ensure the safety and health of these women. When Maine's Adult Involvement Law was signed by Governor McKernan it garnered significant positive national attention and has been held up as a model approach to ensure that young women considering abortion receive the support they need. The Adult Involvement Law states that a young woman under 18 who is seeking an abortion must obtain the consent of a parent or guardian or other family member or the consent of a judge or 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 the young woman must receive unbiased, non-judgmental, 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 adult family member and the young woman must put into writing why she is unable to involve a parent in this decision.

Since the law was enacted teen pregnancy and abortion rates has reached historic lows. The state's pregnancy rate has dropped by approximately 55%, one of the sharpest declines in the nation, and teen abortion rates have experienced an even steeper decline, falling more than 75%. Minors having an abortion now count for less than 5% of the total performed in Maine. The state's pregnancy rate ranks fourth in the nation. That's fourth. Much of the success can be attributed to Maine's commonsense approach to teens and sexuality, which includes providing access to medically accurate sex education and reproductive healthcare which helps teens stay safe and healthy. More young people are making responsible decisions to delay sexual activity until they are older and to use birth control when they do have sex. Given this progress, the question comes to mind: why change an approach that has been working for the past 25 years? What's new or compelling that says Maine has it wrong? Nothing. Nothing at all. That's very clear when you look at the serious and very sad consequences of these types of bills.

Take for example Bill and Karen Bell from Indiana. When their legislature considered a similar bill to the one we are discussing today they testified about their 17 year old daughter, Becky. Here are excerpts of their testimony. "In 1988 our beautiful, vibrant 17 year old daughter, Becky, died suddenly after a six day illness. The pathologist who directed her autopsy concluded that the cause of her death was streptococcus pneumonia brought about by an illegal abortion. Learning 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." How could this have happened? Why would Becky have risked an illegal abortion? How could parents this close to their daughter as we had always been not have known that she was pregnant and desperate to deal with the situation that she believed that she couldn't share with us? We learned the sad answers to these questions in the weeks following our

daughter's death. 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 her parents. Becky discovered that our state has a parental consent law which requires girls under the age of 18 to get their parent's permission before they can get an abortion. Planned Parenthood counselor told her that she could apply for a judicial bypass as an alternative to parental consent. The counselor remembered Becky's response, "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 reputable medical establishment where abortions are provided compassionately and safely every day, Becky found someone operating outside the law who would help her. Becky had a back-alley abortion. A parental involvement law ultimately led our daughter to her death." It's a powerful story.

While I hope that my daughters would have come to me with a decision like this, more than that I would have wanted them to be safe and well cared for. I would want a daughter to feel supported by a caring adult with the training and expertise to support her because it doesn't matter how the parents feel about their daughter making that decision, it matters whether the daughter is willing to involve the parents in making that decision. If that could not be me or her mother, I would have wanted it to be someone who was concerned for her safety and well qualified to give her accurate and compassionate counsel. Maine's existing adult involvement law does exactly that and it works. That's why I'll be voting in opposition to L.D. 83 today. Replacing existing 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, as we heard from numerous experts, including the Maine Coalition Against Sexual Assault and the Maine Coalition to End Domestic Violence in testimony opposing this bill. In states which have mandated parental consent laws, that are often referred to as teenager endangerment laws, there is no evidence that fewer minors seek abortions. The strongest evidence shows that the young women seek an abortion in a nearby state that does not mandate a parent's presence or, as experienced by the Bell's, take matters into their own hands. When the parents are not part of the discussion, from the teenager's perspective, there is a good reason why. We all hope that families have open and honest communication, but as parents we cannot afford to be naïve. There are families that do not communicate, especially about issues like sex and sexuality. Attempting to force a teen to confront a parent to talk about her sex life will not make for better or more informed family conversation if it's not already happening before the situation arises and in some cases it will be tragic.

When we moved my eldest daughter to her college dorm room the welcome package of information essentials included dorm rules, a crisis number, and how to get academic help. Among the essentials were some foil packaged condoms. I told my daughter to let us know if she ran out. She never did call home for more condoms, but I wanted to reinforce that, as parents, we understood she would make her own decisions about sex, but her making safe and healthy decisions was the most important thing. I don't know whether my daughters ever had the need, or resorted to, help from Maine's Adult Involvement Law and I don't need to know. I just know that I'm thankful that if they did our current law was there to ensure that tragedy was not the result. I'm thankful that my wife and I have two healthy adult

daughters who had children when they were ready to provide them a loving home and I want Maine's Adult Involvement Law to still be there for my granddaughters when they are teens and for all young women, the ones that can discuss their sex lives with their parents or family and those who are too afraid to do so. L.D. 83 will only make tragedy such as the Bell's all the more likely. Please join me and vote in opposition to the bill and opposition to the current motion. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Brakey.

Senator **BRAKEY:** Thank you, Mr. President. I understand that this is not a simple issue by any regards. In fact, it's a very complicated one and I understand that. For many people, probably for most people, it is a very emotional issue. I just wanted to take the opportunity to share the story of a very good friend of mine who will, probably for obvious reasons, prefer not to have her name be known. When she was a young teenager she was abused and she was sexually taken advantage of by an older individual and she became pregnant. That abuser took her to get an abortion and all the evidence of the abuse was gone. If her parents or another family member, as the bill before us is very broad and allows for any adult family member, had been required to even be notified this abuser, the sexual abuser, would have been caught and punished for what he did to my friend. As it was, that didn't happen and it's haunted her ever since.

I'm going to be voting to support this and I understand that this is a complex issue, but I would hope that as this Body moves to push the green or the red light on this that we think about cases like this and the potential for empowering abusers to get away with their crimes and doing further damage to their victims. Thank you very much.

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

Senator **CUSHING:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I will make my remarks brief, but I simply want to touch on one aspect of this legislation and that is the philosophical underpinnings of this bill. As many have already probably heard, when the Supreme Court upheld the constitutionality of parental consent laws in 1992 the Justices noted that parental consent laws are based on the quite reasonable assumption that minors will benefit from consultation with their parents and will often not realize that their parents have their best interests at heart. I agree with this assessment. I believe that most Maine parents want what is best for their children and that most Maine parents truly do have their best interests at heart, as difficult as that may be. This bill, L.D. 83, is a practical exercise of that belief.

Unfortunately, some opponents have said this bill imposes a superfluous barrier to good healthcare or would somehow be detrimental to the health of Maine's youth, but to accept this premise is to say that most Maine parents are obstacles to the wellbeing of their children. Mr. President, I do not agree with this assessment. Are there some parents who might pose a risk to their children when finding out about a pregnancy? Yes. Unfortunately, that may be the case. We've heard some very sad stories here today and I respect that there are difficulties that many families would encounter in this, but ultimately we need to trust the relationship between parents and children. For this Body

to avoid protecting the rights of the vast majority of parents in our state is to them and their children a great disservice.

As a parent, Mr. President, three now young adults, we all go through some of those challenging years. Children don't come with a handbook with instructions that help us and guide us through some of the difficult challenges, but that relationship that we have and that we build with our children is critical when they have to make life decisions. Imagine this instance. A young daughter being faced with the unimaginable choice of whether or not, at their early age, to carry through to term with a baby that they have gotten unexpectedly or ending that life. You can certainly change your mind, but this is an irreversible procedure, Mr. President. You can't change the results. Where is the support afterwards? In our youth we make choices and many times as we mature we become aware that it would have been helpful to have the advice of caring adults. We would have benefited from that, from our family's involvement, particularly in the tough choices and the tough obstacles and challenges, the tough decisions that we would have to face in life. That's why, Mr. President, as a member of this Body, as a parent, as a new grandfather, I ask you to follow my light in supporting this. Thank you, Mr. President.

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

Senator **MILLETT:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to the motion before us. I rise today as a daughter of a caring, loving home, but I have a close personal friend who did not have the same benefit, who was abused, who was sexually abused, and did not have the same options and choices that I would have had. As I stand here today, that is on my mind. I'm also the mother of a daughter who I cherish and have done my best to give her all my love, care, and attention, but I do not live under the illusion that my family and caring, responsible home exists for every daughter in the state of Maine. I have heard this morning, or afternoon, that most Maine families care for their daughters. Most Maine families. I don't know what that means. How many is most? Well I will tell you that with the report of Kids Count we have evidence that there is neglect in Maine's families and abuse in Maine's families. Those are the children, the daughters, and the girls that I worry about, that I'm thinking about. Research has shown that the changes that this bill seeks to make will delay young women's access and endanger their health and safety, leaving them alone and afraid. I cannot, I will not, support any legislation that will endanger a single daughter or young girl because they have the misfortune of being born into a family that doesn't benefit from the love that we all have experienced. Thank you, Mr. President.

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

Senator **BREEN:** Thank you very much, Mr. President. Men and women of the Senate, I really appreciate all the comments about daughters and sisters and nieces and mothers. I have a mother and nieces and sister and daughter myself, but this isn't about any of them. This is about me and this is about the loving family that I grew up in, that was guided by a very strict Catholic moral code. My mother grew up in the 30's and 40's in a very, very strict religious home. She went to all-girls schools through college, Catholic girls' schools. Highly educated with a very black

and white world view. Fast forward to the 1970's and 1980's. I was the youngest of six kids, with four older brothers, going to co-ed public schools, in a completely different culture. My mother taught me the facts of life in fifth grade and I said, "What if I don't remember this, Mom?" and she said, "Don't worry. You don't need any of this until you're married." Between the time I was 11 and 26 I never had another conversation about this topic with my very loving, highly educated, caring, wonderful mother. That was a conversation that would not happen in the Breen household.

We've all heard that it takes a village to raise a child. This law excludes the village that I relied on to get through those teenage years, to get through high school, to get to college, to get through grad school, and be in charge of my own reproductive life. Now I'm a parent. Ironically, I'm an adoptive parent. I don't know a lot about my children's birth mothers, but this is what I do know. They found themselves in unexpected and difficult positions and they had the liberty to search their souls, consult their own moral code, their own clergy, their own families, their own souls, to come to a decision that they made freely and generously and that for which I will be eternally grateful. If I thought for a second that those choices were based on the will of a legislator or a judge I would be sick to my stomach. I am delighted that the birth parents in my life had the resources, whether it was their loving parents or an aunt or a social worker or a teacher or a nurse, whatever they needed, to come to a loving and generous decision. They did it though their own conscience. This bill would limit that opportunity for women who find themselves in unexpected situations and for that reason I oppose it. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Burns.

Senator **BURNS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I'm going to try to keep my remarks non-personal. We've heard a lot of personal remarks this morning, and they are appropriate. I don't diminish those at all. I've been trying to think of what I wanted to say. I've been thinking about it for a long time here. One of the statements that was made by my colleague from Lincoln has got me a little bit off track. My eldest daughter, her name is Rebecca, and I'm trying desperately to keep that out of my mind, but I guess I would take great deference of opinion with the good Senator. This kind of puts the whole thing in perspective to me, that we're talking about today. I see that story as the lack of parental involvement that led to that terrible, terrible tragedy.

In Maine we all know that Planned Parenthood likes to exclaim, and I will read from their document, that in Maine, as compared to other states, no parental involvement is required. Ladies and gentlemen, is that what we really want? Is that what we really want in this state for the care of our daughters and granddaughters, our friends? We come here together to make laws for the State of Maine that benefit all people in this state. To do that, sometimes we have to make compromises. In fact it's more often than not, especially as we've seen in this last session when we have a divided government. Compromise is a little more often than maybe some of us are used to. In the final analysis, hopefully, we come out with something, a product, that meets the majority of peoples' needs. I submit to you right now that the current law that's on the statutes that we've been living under for the last 25 years does not meet all peoples', or the majority of peoples', needs. It meets some apparently. I keep asking the

question of myself: do we really want young girls in our community to make other extremely important decisions in their life without the benefit of parental guidance and counseling when that is available?

I just ask this Chamber to ponder that for just a moment. Set this issue aside and think about all the many, many, many issues. I have five children. Many of you have less or more. Think of the issues that have come up through your children's lives. Extremely important issues. Life changing issues. Please think about that as we continue this debate. Would you want them to make those decisions without the help of a parent or parents if they are available? I can't fathom it. I just can't fathom it. Like somebody else has said, I've been on this earth too long, apparently. In raising five children, I can think of so many situations that we talked about, counseled about, difficult decisions, decisions that they needed to come to grips with in order to move on that my wife and I were included in. We didn't always get our way, my kids would be the first to tell you that, but we had the discussions. I'm as conservative as anybody in this place. My kids know that too. They're not. They make their own minds up, but we've had the discussions because they knew and they were raised, like most of our children are, to be able to think for themselves, but also to get counsel from those who might have something to offer. I'd like to think that that helped them through their lives to this point. If they're listening I hope they agree.

Critics of this bill, these minor changes that I think will meet a lot more parents' needs, say that Maine's laws have been working for the last 25 years. I question that. Yes, we apparently have statistics that shows that pregnancies have been reduced. I'm very, very happy about that and every parent should be, but I don't attribute that to this law. There are many other things that are going on. There are educational things that are going on. I'd like to think abstinence education that has been taking prominence in the last couple of decades has led to that also. You may or may not agree, but I think you'd have to do personal inquiries from every teenager to find out if that's the case. I, personally, think that it's helped. Some of the people that are responsible for crafting this bill 25 years ago are still here with us. We heard from them in the committee. We hear from them at the other end of this building. They have a stake in this law. I understand that. That doesn't mean it's been effective for everybody. They have ownership. My response is that we really don't know. I base that on some facts, some facts that I related to you a few days ago, the fact that one of the major abortion providers in this state refused to provide statistics, that apparently are required under the law, to the State of Maine over and over and over again. You tell me, do you have all the facts? I don't think you do.

We, as parents, no matter where we live in this state or who we are, are given the most important responsibility that mankind could possibly undertake when we have children; that's to raise those children safely, in a loving and caring environment, and provide them the guidance until they have the gray matter, if you will, to live on their own. I think most parents do that. I acknowledge the fact that some parents fall short of that goal. In fact, some parents actually violate that and do just the opposite. Do we really want to have laws on the statute that address that minority when the vast majority do what is the responsible thing? I don't think that's right. I think we need to reconsider that. It's so easy, it's so easy for us to use anecdotal exceptions to the rule when we know, from our own personal life's experience, that most

parents love their children and most parents will do what is best for their children. I really believe that and I've had the unfortunate experience of having to work with many of those through my life's career who don't. Once again, even though my exposure to them has been far more than I would like to have been, this was the exception. This isn't the average family that we're talking about, that would violate those entrustments. When a young lady, or young girl, makes an unfortunate mistake and gets pregnant that's only the beginning. As far as I'm concerned, that mistake is nothing compared to the mistakes that can follow. Rather than see that situation exacerbated and become worse and become a lifelong problem, I believe with the input, the counseling, the access that that child has, that young lady has, to advice will determine what the rest of her life is going to be like. The decisions may not be one that I would think was right, but at least she'll have the information to work with. I think we owe that to every young lady. I certainly would stay off personal issues. There needs to be parental involvement in every major life decisions that a young person makes. That needs to come from parents that love and we should not be focusing on the exceptions.

However, the exceptions do happen and I think that this law, this change in the statute that's being proposed here, is an extremely good one. It makes the situation safer and better for that young girl who has to bypass the parents and go to somebody else. It changes the definition, as you know, that we now live with called the next friend. When you get to that point, and there has to be a court bypass, the next friend, with this law, would no longer be the young man that impregnated her. Why on earth would we want to take that chance to allow that to happen? That needs to be eliminated out of the possibilities here. That next friend needs to be a trusted counselor or a member of the child's family. I just can't fathom how we can take a chance on the person who actually impregnated that child being the one that gives her the guidance as to what to do about it. It just boggles my mind.

Parental consent, parental approval, information and counseling, next friend, a family member or counselor, and, when necessary, a judicial bypass for which we provide a guardian ad litem should that unfortunate situation result in this. A guardian ad litem, someone who we have agreed in this state, collectively, that can guide a child through some of the most difficult circumstances when we're talking about the estrangement of the parents. It's the least ominous help that we can possibly provide to that child in that particular situation, who's not going to be influenced by the perpetrator, is not going to be influenced by bad parents, and is going to help that child go through that process of the judicial bypass. To me it makes sense. We have seen fit, and seen its merits, and agreed that it makes sense in other difficult situations. Ladies and gentlemen, it makes sense here.

It wouldn't surprise you to hear me say that this is one of the most important bills I've had to face and had to deal with this session, in many sessions, because of my perspective on this issue, but I think it's well worth the effort, it's well worth having the discussion. I respect everybody's opinion on this, but I'm asking you also to respect mine. Every one of us, I believe this, here wants the best for every young person. I'd like to be included in that group. We have a difference of opinion on what the best is, but I'd ask you to think again, and ponder what I suggested a minute ago, that there are many parents out there that are being isolated and cut out of that all important decision for their child. This will enhance that opportunity to have that involvement that

will pay dividends throughout the rest of that child's life. If the unfortunate thing happens, then there is an alternative to it provided in this amendment. We love our kids. We want to do the best for them. I thank you very much for your patience and listening to me. Thank you, Mr. President.

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

Senator **VALENTINO:** Thank you, Mr. President. Men and women of the Senate, I also rise today as the mother of two daughters and the grandmother of two granddaughters, one who is 14 years old and will be graduating from 8th grade tomorrow night. I must say she looks like she's graduating from high school, especially with what she's wearing tomorrow night. I also rise today as a woman who was in high school, both in pre and after, Roe vs. Wade, the Supreme Court decision. I have seen many changes over these years. One of these changes took place 25 years ago when Maine adopted the Maine Adult Involvement Law. This current law gives protections for both the physical and, more importantly, the mental health of any young woman who finds herself pregnant. This law has worked for 25 years and ensures that a trusted adult is involved in any decision to seek an abortion. There is not a problem. Why are we trying to change the law and what is the purpose of changing next friend to adult family member? On the handout that I was given it says current law allows a next friend to file a petition to the court on behalf of the minor, but does not define next friend. As such, a potential abuser could use the court process to coerce a teenager into an abortion and/or potentially cover up any criminal behavior committed against the minor.

I have heard people talk about their concern about next friend. My concern is about the definition of adult family member. I have searched. I have searched the statute. I have searched the amendment. I do not see a definition. I do not know what an adult family member is. An adult family member could just as easily be the one who impregnated the young woman, as any next friend could be. It could be the father. It could be the uncle. It could be the brother. What is the definition of adult family member? Is it your 18 year old sister who is a senior in high school? Is it your step-mother's son? Is it your cousin who lives in another state? Is it your uncle, your aunt, your second cousin, your half-brother, your step-sister? I would rather have current law where the child, or my grandchild, is talking to someone who is qualified, such as a nurse, a counselor, a psychiatrist, somebody that can counsel them in an unbiased way. More importantly, in an unjudgmental way.

This bill would not decrease teen pregnancies. It would only make a young woman's decision more stressful and possibly more risky. This bill is not about parental involvement. This bill changes next friend to adult family member. It does not say you need your parent. All the discussions about bringing in your parent have nothing to do with this bill. As I mentioned, this could be your 18 year old sister who's a senior in high school, because she is an adult family member. The adult family member is just as vague as next friend and the adult family member could also be the same abuser that you're talking about under next friend. This law is not broken. This law is working and it has worked for 25 years. Please vote Ought Not to Pass.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Mason.

Senator **MASON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I first would like to say that I thank the membership for the courteous discourse that's happened. These are heavy matters and the reason that we are sent here. I would like to thank everybody for respecting everybody's opinions because these are not easy decisions and, especially something like this, we have to make our decisions based on convictions. We have to make our decisions based on facts. I do support the bill that is in front of us and I will be voting in favor of the motion. I just wanted to point out a couple of things before we get to that point.

Some of you may have heard about this bill, in fact we've heard it this morning in our debate, that this bill is unnecessary because many times teenagers tell their parents or family members about their pregnancy or their abortion plans. In fact, opponents often say that 61% of young women discuss this decision to have an abortion with at least one of their parents. However, this statistic is slightly misquoted because if you read the study a little bit further you will find that 45% of minors actually tell their parents about their pregnancy and/or abortion plans. The remaining parents, according to the study, find out through other forms of communication and other people.

Secondly, you may have heard that most teenagers do not tell their parents about a pregnancy or an abortion plan because they fear violence, they fear retribution, and they might have a very good reason for not telling. According to the aforementioned study, most teenagers avoid telling their parents because, not fear of violence, they are afraid of disappointing their parents.

Mr. President, as a teenager, none of us wanted to disappoint our parents in any decision that we make, especially with something as critical as this but it is no reason to throw out consent. In most cases parental consent and parental involvement is beneficial to teenagers, as adult family members are often in the best position to provide support and care for teenagers experiencing an unplanned pregnancy. Mr. President, ladies and gentlemen of the Senate, this bill is not an attempt to undermine anyone's rights, nor is it trying to put parents under pressure to providing a particular point of view. This is about fixing a law that makes parental involvement a mere option.

Mr. President, I'd also like to make note of the remarks that the Senator from Androscoggin, Senator Brakey, made in his testimony here on the Floor today. I think that is the reason why we have this bill in front of us. That's an incredibly unfortunate situation that his friend was involved in. Mr. President, I won't belabor the point any more. I would urge the membership to vote in favor of the pending motion and I thank you for the time and the courteous discourse among the membership. Thank you.

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I just wanted to say a little brief thing. I think that the biggest thing here is about heart. You all have hearts. You all care about your sons and daughters and granddaughters, whatever. Working in the jail, under the worst conditions and worst situations, I've seen youths that go into the jail system and, you know, the only person that shows up is their family members, their parents or their grandparents. I'll tell you that there's no closer person that you're going to have than a caring parent that's concerned for their child. I think that that's

what we're getting at here. You don't want to leave it up to somebody that doesn't have that inner heart to make that decision. That's all I have to say. Thanks.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Johnson.

Senator **JOHNSON:** Thank you, Mr. President. Ladies and gentlemen, I said this is a very emotional issue and we all care, I think, ultimately about the life and safety and, hopefully, good decisions of our young women. I'm sure that every single caring parent wants their child to come to them, I can't imagine one not, but we've also heard that not every child does, as in Becky Bell's case. A loving family. Someone who felt that she could not approach her parents because they would not believe that she had actually done something they disapproved of and still look at her the same way. I also know that every single loving parent has to accept that these are adolescents who are struggling with what is still in our society marked by a certain amount of shame, taboo, and certainly a great deal of judgment. Sexuality. Personal decisions. Some of those very difficult ones on the verge of adulthood. How many of us have been consulted by our teenagers before they engaged in sexual activities? As much as every one of us, as a loving parent, would want our daughter to come to us in a situation in which this bill is applicable, we must understand as well that it is the teen's view of this that makes this bill so very dangerous, because this bill is taking away one thing that's very important, the option for an adult to be involved in the decision when they, for whatever reason, don't, and are unwilling, to approach a parent and, of course, the very unlikely prospect of actually going to speak to a judge to make the decision instead. As much as that may be difficult to accept as a parent, I want every one of us to understand that we're viewing this from the lens of a caring parent and a loving home. Most women do consult their parents before seeking an abortion. In fact, under current law those adults, counselors, and the very specific professions identified in law, I listed them earlier, advise them on approaching a parent about making that decision and that child, the daughter of those parents who feels that they cannot actually ask, to sign a reason why they are unwilling to do so. Current law attempts to involve the parent in the process, but it also allows, as this bill would not, for those people that don't have a loving family, caring parents, or even if they do don't feel that they can, in order to avoid the sorts of tragedies that the Bell's experienced. This is a very real problem in spite of the majority. In fact, in the last year roughly, actually more than, three-quarters of young women consulting their parents, but it's still true that 50% of pregnant teens have experienced violence; something else you fully do not expect in a loving family. Thirty percent of teens who do not tell their parents about their abortions feared violence or being forced to leave home. Current law provides a safety valve, the safe harbor, for those teens and for the teens who feel as the Bell's daughter did, that they can't approach even loving parents about this taboo subject, which they never consulted their parents about engaging in sexual activities that got them into this circumstance in the first place, for exactly those same reasons of feeling about themselves and their identity and their sexuality in adolescence and the taboos still in our society. I hope you will join with me in opposing this bill that absolutely undermines that safety valve that has been working for more than 25 years. Thank you, ladies and gentlemen.

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

Senator **GRATWICK:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, we've heard a great deal today and I suspect that we all knew how we were going to vote before any of this dialogue took place. Nonetheless, this is an extraordinarily important thing for each of us to be able to speak about and I think I rise today simply to bear witness. It's a very important issue for me. It has had a profound impact in my personal life, in my family, my professional life, so it is something I care a great deal about. I have two observations only, and they're both medical. The first being that if something is working in a system for a patient, treatment or whatever, don't change it. If it's working I think that we can potentially do great harm by looking for a chance. Second, more specific as a medical practitioner, Mr. President, I'm there for my patients. I'm there to think with them. I'm there to listen. I'm there to listen some more. I'm there to try to understand where they're coming from. Each patient is different and I think that that's what's needed in this instance. Treat each patient, each person, individually. We are not all cut out of the same mold and I think that the current motion, which would change what has been done reasonably successfully, not perfectly, over time, we should not be changing now. Thank you very much.

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

Senator **VOLK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I had a much longer speech prepared but I think I will shorten it up a little bit. I think it's imperative for us to remember that we're talking about teenagers here. I am the mother of four, three of them daughters. One of them currently a teenager, one of them a young adult, and the other an 11-1/2 year old who thinks she's a teenager. Teenagers, no matter how mature or informed they may be, are still teenagers and as such would most likely benefit from their parents' and family's support. When Justices O'Connor, Kennedy, and Suttter wrote about the decision that they made on Planned Parenthood v. Casey when they found that, in fact, requiring a minor to involve parents in the decision to have an abortion did not impede her constitutional rights. They actually wrote that parental consent and notification laws related to abortions are based on the quite reasonable assumption that minors will benefit from consultation with their parents and that children will often not realize that their parents have their best interests at heart. I was struck by some of the comments coming from some of the opponents of the pending motion who said that they would not have felt that they could discuss something like this with their own parents. I think that that's one of the reasons that makes this law a good idea. Children are often afraid of something that in actuality is not really something that they have to be afraid of. As parents, our children disappoint us all the time but it's our job to let them know that that doesn't mean we love them any less. I think that that is true even for parents who may not be the most sensitive or caring parents. They don't love their children any less and that's an important message for children to be able to receive. It's important to note that 72% of women, according to a 2011 Gallup poll, actually support parental consent laws. That's actually higher than the general population, which I believe is only 70%. I find that very interesting.

This bill gives adult family members the opportunity to provide an attending physician with necessary medical information. I heard the Senator from York's concern about how to define adult family member and I'm guessing that if those definitions are necessary then that's something that could be done in rule making pretty easily. There may even be precedent already somewhere in the law. One of the other things that I think that we should keep in mind is that parents are going to know a family's medical history and they are also going to be able to help their child navigate the healthcare system, help cover costs, and adhere to any post-procedure instructions. I don't know about you but my 16 year old daughter doesn't even like to go to the pharmacy by herself. I make her call in refills for her prescriptions and she hates to do that kind of thing, but she has to be forced to do it because that's part of learning how to grow up and that's part of my role, as a parent, to walk her through that process. Furthermore, parents and family members who are aware that their daughter has undergone a medical procedure are going to be on the lookout for any complications, both physical and emotional. There is a story of a 14 year old girl in Missouri who actually committed suicide due to depression following an abortion and her parents didn't know anything about the abortion, therefore couldn't help their daughter and potentially prevent that suicide.

Finally, this bill will help protect young girls from sexual abuse and exploitation by potential abusers. We heard the Senator from Androscoggin detail the story about his friend. He shared that story with us in caucus and I specifically asked him to share it with all of you here on the Floor and with the public, of course protecting her privacy. Abusers and people who have taken advantage of girls could actually use secret abortions to cover up their crimes. If a child has been a victim of violence, as the good Senator from Lincoln mentioned, my goodness, don't we want the parents to know about that? I mean, this bill has clear protections for if the parents are the source of that violence, but, my gosh, I mean, if this child has been involved in a violent situation I believe that there's probably even a legal necessity for the parents to become aware of that.

We should keep in mind that this bill deals with situations in which an under-aged girl has become pregnant. The fact that she is under-aged should immediately raise a red flag as it's quite possible that the father may be several years older. In fact, researchers in a study in California of over 46,000 pregnancies by school age girls, that's a pretty substantial number, found that 71% were fathered by adult post-high school men whose average age was 5 years older than the mother's. Also, according to this study, among middle school age mothers, age 15 or younger, most births were fathered by adult men 6 or 7 years older. This means that a teenage girl who is experiencing an unplanned pregnancy is also very likely to be a victim of abuse by an adult male. Making sure that parents know of their daughter's pregnancy, then, is one way to protect teenage girls from sexual abuse and exploitation by adult predators.

We heard the concerns in the committee about the judicial bypass and I even expressed some concerns about that to my fellow committee members. We amended the bill to redefine next friend. You can find that in Section 2, 22 MRSA, 1597-A, letter D in case you're looking for it. Next friend is redefined so that the minor can be accompanied by any adult family member or counselor. This could be a guidance counselor. This could be a favorite teacher, a coach. It could be a neighbor. Well, maybe not a neighbor.

My fellow legislators, this bill is about protecting some of our most vulnerable citizens. It's about giving families a chance to provide the support and guidance our young people need and recognizing that families are most often, not always, in the best position to provide that support. It's about working with families, and not against them, to care for Maine's young citizens. Will you join me in helping to ensure the greatest amount of protection for some of our most vulnerable Mainers? If so then I thank you in advance for voting in favor of the pending motion.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Burns.

Senator **BURNS:** Thank you, Mr. President. I appreciate the opportunity to stand a second time. I know that you don't want to hear from me again on this, but there is something that I have to take exception with that I heard here. A couple of things, I'm sorry. It was said that everybody has their mind made up probably. I really hope that isn't the case. I hope that this Chamber and this Body would listen to this intently. We all have our own positions, our own feelings, our own philosophy, but I've learned a lot from people that I've had different opinions from by listening to the merits. I would hope that you folks would too and not prematurely make up your minds. The other thing that I want to respond to is that it's working fine. I've heard that several times. I take particular exception to that because it is not working fine. You just heard the statistics, 72% that were surveyed agree that parental consent is very important and necessary. I submit to you, ladies and gentlemen, there has been a large portion of our community that has been cut out of this formula because of our current and existing law. Consequently, when a parent is cut out so is their daughter because they no longer have the opportunity to have that discussion because they are in a terrifying situation, they move ahead on their own, they seek advice from somebody other than the family for whatever reason, because of embarrassment level or because of something else. They, too, are being cut out of the equation here. This minor amendment that was presented and is before you right now would give the opportunity for that consultation to take place and those people that have been cut out of this equation to be a part of it. I think that's an extremely important point we need to remember. This has not worked for every family. Thank you, Mr. President, again.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Washington, Senator Burns to Accept the Minority Ought to Pass as Amended Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#278)

YEAS: Senators: BAKER, BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGEComb, HAMPER, MASON, MCCORMICK, SAVIELLO, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: ALFOND, BREEN, DIAMOND, DILL, DUTREMBLE, GERZOFISKY, GRATWICK, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MILLETT, MIRAMANT, PATRICK, ROSEN, VALENTINO

17 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion by Senator **BURNS** of Washington to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report **FAILED**.

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Ordered sent down forthwith for concurrence.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Provide Funding for Head Start Services"

H.P. 723 L.D. 1054
(C "B" H-404)

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (H-403)** (7 members)

Report "B" - **Ought Not to Pass** (3 members)

Report "C" - **Ought to Pass as Amended by Committee Amendment "B" (H-404)** (2 members)

In House, June 12, 2015, Report "A" **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-403)**.

In Senate, June 17, 2015, on motion by Senator **BRAKEY** of Androscoggin, Report "B" **OUGHT NOT TO PASS READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED**.

On motion by Senator **MASON** of Androscoggin, **TABLED** until Later in Today's Session, pending **FURTHER CONSIDERATION**.

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Make the State's Standard for Lead Exposure in Children Consistent with the Federal Standard"

S.P. 387 L.D. 1115
(C "A" S-270)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-270)** (10 members)

Minority - **Ought Not to Pass** (3 members)

In Senate, June 16, 2015, on motion by Senator **BRAKEY** of Androscoggin, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-270)**.

Comes from the House, Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

On motion by Senator **MASON** of Androscoggin, **TABLED** until Later in Today's Session, pending **FURTHER CONSIDERATION**.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Remove the Limit on the Number of Patients a Primary Caregiver May Provide for under the Medical Marijuana Laws"

H.P. 8 L.D. 5

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-456)**.

Signed:

Senators:

BRAKEY of Androscoggin
HASKELL of Cumberland

Representatives:

BURSTEIN of Lincolnville
HAMANN of South Portland
HEAD of Bethel
HYMANSON of York
MALABY of Hancock
SANDERSON of Chelsea
VACHON of Scarborough

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

Signed: