

MAINE STATE LEGISLATURE

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One Hundred and Thirtieth Legislature
State of Maine

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beginning at Page 385

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Provide Dignity for Fetal Remains by Requiring Their Interment or Cremation"

S.P. 398 L.D. 1225

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

Signed:

Senators:

CARNEY of Cumberland
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner
BABBIDGE of Kennebunk
EVANGELOS of Friendship
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-319)**.

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden
LIBBY of Auburn
POIRIER of Skowhegan
THORNE of Carmel

(Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not To Pass** Report.)

Reports **READ**.

Senator **CARNEY** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

On motion by Senator **POULIOT** of Kennebec, 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 Cumberland, Senator Carney.

Senator **CARNEY:** Thank you, Mr. President. Colleagues of the Senate, the good Senator from Kennebec did not intend to create a hurtful bill, one that intrudes on the grief that is sometimes part of pregnancy, but testimony at the public hearing showed us the harm this bill would inflict. One woman, who was excited to have a second child, suffered two miscarriages. The physical pain, grief, and medical bills were significant and hard to manage, each in a different way. This bill would add to those burdens of pain, grief, and expense. A state mandate that all fetal remains receive individual cremation or interment. It forces families to cope with their grief by following a rigid, state mandated process. Blood

and tissue would have to be collected during the miscarriage, a cremation or burial arranged, and these expenses added to medical bills the family has to pay. There is no state policy that justifies intrusion on Maine women and families in this way. Please support the pending Ought Not to Pass motion. Thank you.

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

Senator **KEIM:** Thank you, Mr. President. Ladies and gentlemen of the Senate, just to clarify, the underlying bill now has been changed and amended and does not deal with miscarriage and it is simply that the fetal remains of a child that's been aborted and is in a healthcare facility, that that would be given the respect of a real resting place. There would be no cost to the women and they, in fact, would not even need to know. It just changes the law to say that a child that has been aborted is not just to be thrown in the trash but, instead, to have the respect of human life and be buried. It's simply that. Thank you.

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

Senator **BRENNER:** Good afternoon. Thank you, Mr. President. As a woman of Jewish faith and a nurse midwife, I rise in support of the pending motion, in fierce opposition to this bill. I know that if it is passed this bill would cause irreparable harm to families across the state. First, this bill flies in the face of our religious freedom. At the public hearing we heard from Leah Coplon, a fellow nurse midwife and my former partner in a midwifery practice, who put it in simple terms. 'As a Jewish woman I can tell you that this law is incompatible with my religious beliefs on when and if fetal tissue should be buried. I cannot even imagine the amount of distress this would have created for my friends and family who experienced early pregnancy losses if they were forced to defy their religious beliefs due to such a law.' Mr. President, 10% to 15% of all pregnancies result in miscarriage. It is common and often painful for many Mainers trying to become parents or grow their families. As a certified midwife, I've been there for my patients through this traumatic period and I can tell delivering the news of miscarriage to a family who has been trying to conceive or who has been celebrating the joy of a pregnancy that won't be is heart wrenching. I can only imagine how much more distressing this experience would be if the State stepped in and mandated how a grieving family could move on from this loss, especially if it were in a way that conflicts with their religious beliefs.

Second, this bill interferes with the ability of a medical provider to provide personalized, straightforward, and evidence-based care to their patients. The relationship between a care provider, a patient, and her family needs no additional barriers. Patients should not have to worry about whether or not political rhetoric will undercut their access to quality, evidence-based healthcare. Whether a patient is experiencing a miscarriage or an unwanted pregnancy, it's the job of each healthcare provider to provide the best possible care to the patient in front of them.

I'll leave you with these words that were said during the public hearing. Imagine forcing a victim of sexual assault to make burial arrangements after an abortion or telling someone who has miscarried at home that they must collect the tissue and make burial arrangements, otherwise they risk being charged with a

crime. This is a deeply harmful proposal that disrespects individual religious beliefs, makes inappropriate assumptions, and interferes with quality medical care. I urge you to support the pending motion and oppose this bill. Thank you.

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

Senator **KEIM:** Thank you, Mr. President. Forgive me for rising a second time but, again, I just need to clarify that this bill has nothing to do with miscarriage and we did hear heartbreaking stories and I would also not support something that would interfere with a woman and how she chooses to move forward after losing a child. This is simply a bill that gives respect to fetal remains that are in a healthcare facility. It is a very different bill and it is only about respect for fetal remains and the mother need not even know that this happens. Thank you.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Majority Ought Not to Pass Report. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#402)

YEAS: Senators: BAILEY, BALDACCI, BENNETT, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DESCHAMBAULT, DIAMOND, DILL, HICKMAN, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, MOORE, RAFFERTY, SANBORN, VITELLI, WOODSOME, PRESIDENT JACKSON

NAYS: Senators: BLACK, CYRWAY, DAVIS, FARRIN, GUERIN, KEIM, POULIOT, ROSEN, STEWART, TIMBERLAKE

25 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act Concerning Informed Consent of Minors' Authority to Release Health Care Information"

S.P. 487 L.D. 1510

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

Signed:

Senators:

CARNEY of Cumberland
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner
BABBIDGE of Kennebunk
EVANGELOS of Friendship
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden
LIBBY of Auburn
POIRIER of Skowhegan
THORNE of Carmel

Reports **READ**.

On motion by Senator **CARNEY** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Improve Consistency within the Maine Human Rights Act"
S.P. 544 L.D. 1688

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-323)**.

Signed:

Senators:

CARNEY of Cumberland
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner
BABBIDGE of Kennebunk
EVANGELOS of Friendship
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

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