

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Thirtieth Legislature
State of Maine

Daily Edition

First Special Session
beginning April 28, 2021

beginning at Page 385

On motion by Senator **CARNEY** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-702) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Remove Coverage under the MaineCare Program for Abortions Not Covered by Medicaid"

H.P. 553 L.D. 748

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

Signed:

Senators:

CARNEY of Cumberland
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner
BABBIDGE of Kennebunk
CARDONE of Bangor
EVANGELOS of Friendship
McCREIGHT of Harpswell
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" (H-669)**.

Signed:

Senator:

KEIM of Oxford

Representative:

POIRIER of Skowhegan

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

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

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

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

Senator **KEIM:** Thank you, Mr. President. I rise in opposition to the pending motion. This bill is not - it would not remove abortion access for any woman in Maine. Since 2016 Maine Family Planning has offered telemedicine chemical abortion at all 17 of their statewide locations. The Maine CDC reports that abortions are being performed on women from every single county throughout Maine regardless of zip code. In fact, according to the most recent 2017 figures, published by the Maine CDC, women from 17 different states had their abortions performed right here in Maine, though many of these states have very liberal abortion laws. Additionally, the 2017 Maine CDC reports that three women from Canada also came to Maine for their abortions. Clearly, abortion access in Maine is not an issue. This is precisely what the State of Maine Cumberland County Superior Court found in the 2017 Medicaid / MaineCare lawsuit filed by plaintiffs Maine Family Planning, Planned Parenthood of Northern New England, and Mabel Wadsworth. The defendant, the State of Maine Department of Health and Human Services, prevailed in this law suit. The court decision dated October 24, 2017, Justice Horton writes, 'The plaintiffs have no record of any woman being denied access to abortion services due to her inability to pay.' The law that we changed allowing taxpayer funding of abortion was unnecessary. When we passed this in Maine, it was a radical alteration overturning 40 years of Maine law which prohibits the Maine people's tax dollars paying for abortions, even though there was no data to suggest that any woman has ever been denied an abortion in Maine. In keeping with the amendment, Maine people were already paying for abortions of any MaineCare recipient if her health or life is in danger or for hardship cases in which the pregnancy was a result of rape or incest. When we passed a law that forces every Maine taxpayer to fund elective, non-medically necessary abortion right up to the point of viability for any reason this is an affront to decency and to the deeply held beliefs of Maine people who view life as sacred. Maine people are fair minded and reasonable. This was reflected in a recent survey of registered Maine voters conducted in 2019 which found a majority of Maine voters opposed taxpayer funded abortions, 62% of them were opposed. Additionally, a majority of women opposed taxpayer funded abortions. The policy of taxpayer funded abortions is not in keeping with the values of most Maine people. Do we want our state to be the place where the right of conscience, the religious liberty of our people, is trampled and sacrificed not for need but to a political ideology?

The people of Maine have empowered us with the right to task but we must remember this represents a taking of their very livelihood, their life blood. The term 'taxpayer' is used so often but we can forget the full meaning. Every week Maine people give up their time, their most finite and precious resource, in exchange for a paycheck. As law makers, we've been given the authority to dip into that paycheck but we are entrusted to do so judiciously, with grave consideration on the spending of those dollars. Our decisions should never strip the religious liberty of Maine people through taxation. No Maine person should be forced to have their hard-earned tax dollars used to electively take the life of a living, preborn child, miraculously created in the image of God. I urge you to oppose the pending motion.

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

Senator **CARNEY**: Thank you, Mr. President. Mr. President and colleagues of the Senate, I'd just like to direct our attention to the essence of this legislation. The Ought Not to Pass motion keeps in place the fairness policy that Maine adopted just two years ago. Reproductive healthcare is, and should remain, equally available to Mainers regardless of income and where we get our insurance. Please keep this fairness policy in place and vote Ought Not to Pass on the pending motion. Excuse me, vote in support of the pending Ought Not to Pass motion.

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

Senator **POULIOT**: Thank you, Mr. President. I apologize for not hearing if the good Senator from Oxford requested a roll call. So I do. Thank you.

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 Penobscot, Senator Guerin.

Senator **GUERIN**: Thank you, Mr. President. Mr. President, ladies and gentlemen of the House, my good friend from York County has often talked on this floor about his dear grandchildren, a new grandchild. I have four beautiful grandchildren, one is less than two months old, and our family, as I'm sure Senator Rafferty's family did, enjoyed the pregnancy sonogram pictures where we could already see the likeness of the granddaughter to her mother. She certainly had her little nose and when she came out there it was, looking just like her Momma. My oldest grandson's father has a little space between his big toe and the next toe and in the sonogram there it was, those perfect little toes with that same genetic space between the toes. Those babies were as much babies in those sonograms as they are dear grandchildren playing in my yard now and if their mother had chosen to end their lives prematurely through abortion I certainly would not have wanted my taxpayer dollars being used for that and if Senator Rafferty's family had chosen to end the life of that precious baby for his family I would not have wanted my tax dollars being used to pay for that killing of that dear child. Thank you, Mr. President.

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 (#420)

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

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

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

All matters thus acted upon were ordered sent down forthwith for concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Examine and Amend the Conditions of Release and Probation" H.P. 612 L.D. 844

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-704)**.

Signed:

Senators:

CARNEY of Cumberland
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner
BABBIDGE of Kennebunk
CARDONE of Bangor
EVANGELOS of Friendship
McCREIGHT of Harpswell
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**.

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden
POIRIER of Skowhegan

(Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought To Pass as Amended** Report.)

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-704)**.