MAINE STATE LEGISLATURE

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Legislative Record

House of Representatives

One Hundred and Thirty-First Legislature

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Beginning with Page H-277

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-402)** - Minority (5) **Ought Not to Pass** - Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act to Protect Health Care Professionals Providing Reproductive Health Care Services"

(H.P. 393) (L.D. 616)

TABLED - June 12, 2023 (Till Later Today) by Representative PERRY of Calais.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

Representative PERRY of Calais moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Turner, Representative Morris.

Representative **MORRIS**: Thank you, Madam Speaker. I rise in opposition to the pending motion. This bill would effectively require that malpractice insurance be sold to all abortion providers regardless of any action taken against their license in another state. It would effectively make malpractice insurance a guaranteed issue insurance. We heard zero evidence from supporters during the hearing that this is a problem. It was just the classic, this is something that could be a problem but there was no hard evidence that anybody was being denied malpractice insurance right now in Maine on the basis of performing abortions.

Malpractice drives the cost of health care. In our State, it's one of the leading causes of why health care costs continue to grow. If a doctor is doing something unsafe, they should not be able to receive malpractice insurance. I would consider, as the Good Representative from New Gloucester mentioned earlier, the case of Dr. Shannon Carr, who is being sued in New Mexico for the wrongful death of one of her patients. Under this bill, she could not be charged more or denied malpractice insurance on the basis of the issues in the State of New Mexico. I would urge this Body to put Maine patients first and their safety first and let's reject this pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Swallow.

Representative **SWALLOW**: Thank you, Madam Speaker. This bill has; going to have, actually; little effect as far as what it's going to do in the insurance world by itself but in precedent, it will have a great effect. Because what it's going to do; it gets into the area of underwriting, which is an area that we really should stay out of in all categories if at all possible. And what we're doing here is we are getting involved in underwriting for our special interests. And that can in the long run cause a lot of issues as far as premium changes, increased premium costs and changes in underwriting. And I think this is best left alone. I ask you to follow my light and oppose this legislation.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Kuhn.

Representative **KUHN**: Thank you, Madam Speaker. I rise in support of the current motion. This bill would strengthen protection for health care providers so they can offer safe and legal abortion care to Mainers and to people traveling to Maine for care including people who might've come from a state where abortion is now banned. Since the Supreme Court revoked federal protections for abortion last summer, numerous states across the country have passed laws restricting access. This patchwork of State laws has created uncertainty for providers and patients in every state. States have also across the country introduced bills targeting medical professionals providing this care, including civil and criminal penalties. There's no reason to think that this might not be the next tactic to shut down providers. This bill in front of us addresses one aspect of the uncertainty reproductive health care providers are facing regarding their malpractice insurance and prohibits an adverse action only in the case a revocation because of a law in another state. To be clear, it would not prohibit a malpractice insurer from denying coverage if there were a claim of malpractice, for example, or negligence or poor care in another place. That is specifically excluded. Valid and sufficient medical malpractice insurance is essential for providers to be able to practice medicine. Maine hospitals actually require proof of insurance for credentialing and hospital privileges. A denial of coverage would render a physician unable to care for any patients and, in fact, the threat of a denial could impact the decision-making of providers regarding what patients they see and what care they can provide. A majority of Maine people agree that decisions about abortion care are private and should be made between patients and their health care providers. This bill is meant to reinforce that provider-patient relationship and ensure continuity of care. I urge my colleagues to support the pending motion. Thank you, Madam Speaker.

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

ROLL CALL NO. 277

YEA - Ankeles, Arford, Bell, Boyer, Boyle, Brennan, Bridgeo, Cloutier, Cluchey, Collings, Copeland, Crafts, Craven, Crockett, Dhalac, Dill, Dodge, Doudera, Eaton, Fay, Gattine, Geiger, Gere, Golek, Graham, Gramlich, Hasenfus, Hepler, Hobbs, Jauch, Kessler, Kuhn, LaRochelle, Lee, Lookner, Madigan, Malon, Mastraccio, Mathieson, Matlack, Meyer, Millett R, Milliken, Montell, Moonen, Moriarty, Murphy, O'Neil, Osher, Paulhus, Perry A, Perry J, Pluecker, Pringle, Rana, Reckitt, Rielly, Riseman, Roberts, Roeder, Runte, Russell, Sachs, Salisbury, Sargent, Sayre, Shagoury, Shaw, Sheehan, Skold, Stover, Supica, Terry, Warren, Williams, Worth, Zager, Zeigler, Madam Speaker.

NAY - Adams, Albert, Andrews, Arata, Ardell, Babin, Bagshaw, Blier, Bradstreet, Campbell, Carmichael, Collamore, Costain, Cray, Cyrway, Davis, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Fredericks, Galletta, Gifford, Greenwood, Griffin, Guerrette, Haggan, Hall, Henderson, Hymes, Jackson, Landry, Lanigan, Lavigne, Lemelin, Libby, Lyman, Mason, Millett H, Morris, Ness, Newman, Nutting, Parry, Paul, Perkins, Poirier, Polewarczyk, Pomerleau, Quint, Rudnicki, Sampson, Schmersal-Burgess, Simmons, Smith, Soboleski, Strout, Swallow, Thorne, Underwood, Walker, White B, White J, Wood, Woodsome.

ABSENT - Abdi, Carlow, Javner, O'Connell, Theriault.

Yes, 79; No, 66; Absent, 5; Vacant, 0; Excused, 1.

79 having voted in the affirmative and 66 voted in the negative, with 5 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-402)** 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 "A" (H-402)** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-433)** - Minority (4) **Ought to Pass as Amended by Committee Amendment "B" (H-434)** - Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act to Provide Insurance Coverage for a Second Opinion If a Health Care Provider Recommends an Abortion for Health or Safety Reasons"

(H.P. 630) (L.D. 995)

TABLED - June 13, 2023 (Till Later Today) by Representative PERRY of Calais.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

Representative PERRY of Calais moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Andrews.

Representative **ANDREWS**: Thank you, Madam Speaker. Just a Point of Order. Which Committee Amendment amended Report, please?

The SPEAKER: The Chair would reply the Majority Ought to Pass as Amended by Committee Amendment "A" Report.

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

ROLL CALL NO. 278

YEA - Adams, Albert, Andrews, Ankeles, Arata, Ardell, Arford, Babin, Bell, Blier, Boyer, Boyle, Bradstreet, Brennan, Bridgeo, Campbell, Cloutier, Cluchey, Collamore, Collings, Copeland, Costain, Crafts, Craven, Crockett, Cyrway, Davis, Dhalac, Dill, Dodge, Doudera, Drinkwater, Ducharme, Eaton, Faulkingham, Fay, Foster, Fredericks, Galletta, Gattine, Geiger, Gere, Gifford, Golek, Graham, Gramlich, Greenwood, Griffin, Guerrette, Haggan, Hasenfus, Henderson, Hepler, Hobbs, Hymes, Jackson, Jauch, Kessler, Kuhn, Landry, Lanigan, LaRochelle, Lee, Lemelin, Lookner, Lyman, Madigan, Malon, Mason, Mastraccio, Mathieson, Matlack, Meyer, Millett H, Millett R, Milliken, Montell, Moonen, Moriarty, Morris, Murphy, Ness, Newman, Nutting, O'Neil, Osher, Parry, Paul, Paulhus, Perkins, Perry A, Perry J, Pluecker, Polewarczyk, Pringle, Quint, Rana, Reckitt, Rielly, Riseman, Roberts, Roeder, Runte, Russell, Sachs, Salisbury, Sampson, Sargent, Sayre, Schmersal-Burgess, Shagoury, Shaw, Sheehan, Simmons, Skold, Smith, Soboleski, Stover, Strout, Supica, Swallow, Terry, Thorne, Walker, Warren, White B, White J, Williams, Wood, Woodsome, Worth, Zager, Zeigler, Madam Speaker.

NAY - Bagshaw, Carmichael, Cray, Dunphy, Hall, Lavigne, Libby, Poirier, Pomerleau, Rudnicki, Underwood.

ABSENT - Abdi, Carlow, Javner, O'Connell, Theriault.

Yes, 134; No, 11; Absent, 5; Vacant, 0; Excused, 1.

134 having voted in the affirmative and 11 voted in the negative, with 5 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-433)** was **READ** by the Clerk.

Representative QUINT of Hodgdon **PRESENTED House Amendment "A" (H-634)** to **Committee Amendment "A" (H-433)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Hodgdon, Representative Quint. The Representative may proceed.

Representative **QUINT**: Thank you, Madam Speaker. I would apologize for getting emotional for bringing forward this amendment but I will not apologize for my emotions or the way that I feel about this. You see, I'm a very private person. I do not have social media. I have always cherished and protected my family's privacy. But this bill is too important to me to not share my personal story and why I believe this bill is necessary.

This bill has the word abortion in it and, suddenly, a second opinion has become controversial. You see, I was preparing to go to Africa; Nigeria, specifically; on a medical missions trip when I was younger. I received many required vaccines, unaware at the time that I was pregnant with my first child. Upon discovery, I was immediately given an ultrasound and was told that there were anomalies. My world shattered; my life plans changed in a second. I was no longer going to Africa, as my husband and I had spent the beginning of our married lives together preparing to do. I was now going to have a baby in 27 weeks who in all likelihood would have disabilities.

I am pro-life. Abortion was promoted as an option. My husband and I were told that we were young and we would have a lifetime of caring for a child who would require extra care and attention. The implication was even made that it would be unkind of us to bring our child into the world as he may suffer.

I cannot even begin to explain the overwhelming guilt that I carried for receiving those vaccines while pregnant. For a doctor to imply that I was somehow uncaring for following my beliefs was utterly devastating to me. The only thing that made it bearable was that my husband, who at the age of 22 said that we would get through this together and that he would work two jobs so that I could stay home with our baby, who we both believed would need special care. I was actually given a second opinion in the same facility with the same results. I was so distraught that I wanted to avoid further prenatal care as I truly felt harassed. I was overwhelmingly distressed. No pregnant woman should be made to feel as I was.

I agree that everyone should have a right to a second opinion for any medical procedure and I strongly believe that patients should be told they have the right. This bill gives the right for a second opinion but it does not have the doctors tell the patients that they have that right for a second opinion and I believe they should be told. Once again, this bill would allow them to go to another facility so as not to have to be in the same office, like I was, where I was sent from a doctor that just repeated the same advice as the previous doctor. That is the purpose of this bill. No one in this Body put in a bill to allow second opinions for medical procedures. Because of a personal experience, I put in this bill to ask that a woman has the right to be informed that she may get a second opinion from a different medical office so as not to feel coerced. I believe that a doctor should inform her of that right. I do not believe that this is a controversial subject. I would like you to follow my light and allow this to go through. Thank you.

Representative PERRY of Calais **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-634)** to **Committee Amendment "A" (H-433)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.