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Senate Legislative Record

One Hundred and Thirty-First Legislature

State of Maine

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First Special Session

Beginning April 5, 2023

Beginning with Page S-387

EXCUSED: Senator: KEIM

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **BAILEY** of York to **ACCEPT** Report **"A", OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-435)**, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-435) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-435)**, in concurrence.

Divided Report

Eight members of the Committee on **JUDICIARY** on Bill "An Act to Prevent Coerced Abortion"

H.P. 757 L.D. 1197

Reported in Report **"A"** that the same **Ought Not to Pass**.

Signed:

Senators:
CARNEY of Cumberland
BAILEY of York

Representatives:
MOONEN of Portland
KUHN of Falmouth
LEE of Auburn
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

Three members of the same Committee on the same subject reported in Report **"B"** that the same **Ought to Pass as Amended by Committee Amendment "A" (H-465)**.

Signed:

Senator:
BRAKEY of Androscoggin

Representatives:
ANDREWS of Paris
POIRIER of Skowhegan

Two members of the same Committee on the same subject reported in Report **"C"** that the same **Ought to Pass as Amended by Committee Amendment "B" (H-466)**.

Signed:

Representatives:
HAGGAN of Hampden
HENDERSON of Rumford

(Representative DANA of the Passamaquoddy Tribe - of the House - supports Report **"C", Ought To Pass as Amended by Committee Amendment "B" (H-466)**.)

Comes from the House with Report **"A", OUGHT NOT TO PASS**, **READ** and **ACCEPTED**.

Reports **READ**.

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

On motion by Senator **STEWART** of Aroostook, 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 Androscoggin, Senator Brakey.

Senator **BRAKEY**: Thank you, Mr. President. I rise in opposition to the pending motion. This bill was brought to us by the sponsor from the other Chamber with the intent of simply making sure that those who are seeking an abortion have access and the ability to be fully informed about their rights. In particular, I know it's been discussed in this Chamber previously on different legislation, the right to change your mind and to withdraw consent, but also that we heard examples of individuals who were threatened that if they didn't get an abortion, they could lose their job or they could be kicked out of their housing situation. We heard examples of those - of that happening, and that's against the law. The law protects you. You cannot be - you cannot be kicked out of your housing situation, you cannot be fired from your job under the law for not getting an abortion. And so, the bill sponsor's intent was just to make sure that people, as they're making this decision for themselves, that they have the opportunity to be fully informed about their rights as they're making that choice. Now, I will say I do think that, in the underlying bill, there were some concerns about enforceability and how you'd do that, exactly. The underlying bill required that this be communicated in writing and orally and I do think that there are some - I mean, how do you enforce that and make sure that someone's healthcare provider has had an oral conversation with someone. But I think what a lot of the - those who voted for this bill, and it's reflected in alternate reports that we could be voting on, settled on a very simple idea, which is just like when you go into any workplace and you have the Department of Labor posters there, what are your rights as an employee, what was settled on was just the idea of let's have the Maine Human Rights Commission just develop a poster that will be required to be posted in a visible place where abortions are performed, where anyone - a patient has the opportunity to see it posted on the wall, here are your rights as a pregnant person. You can't be coerced, you have the right to change your mind, and just informing people of their rights. A very simple idea, literally just putting a poster up so that people know what their rights are. We've done this in other places, we do this in the workplace, we're just asking to do this in abortion clinics so that people know their rights. That's the primary thrust of what we could be doing with an alternate report. Thank you.

THE PRESIDENT: The pending question before the Senate is Acceptance of Report "A", Ought Not to Pass. 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 (#411)

YEAS: Senators: BAILEY, BALDACCI, BEEBE-CENTER, BENNETT, BRENNER, CARNEY, CHIPMAN, CURRY, DAUGHTRY, DUSON, GROHOSKI, HICKMAN, INGWERSEN, LAFOUNTAIN, LAWRENCE, LIBBY, NANGLE, PIERCE, RAFFERTY, RENY, ROTUNDO, TIPPING, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BLACK, BRAKEY, FARRIN, GUERIN, HARRINGTON, LYFORD, MOORE, POULIOT, STEWART, TIMBERLAKE

EXCUSED: Senator: KEIM

24 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** Report **"A", OUGHT NOT TO PASS**, in concurrence, **PREVAILED**.

Divided Report

Eight members of the Committee on **JUDICIARY** on Bill "An Act to Require an Ultrasound and Certain Counseling Before an Abortion"

H.P. 1039 L.D. 1614

Reported in Report **"A"** that the same **Ought Not to Pass**.

Signed:

Senators:
CARNEY of Cumberland
BAILEY of York

Representatives:
MOONEN of Portland
KUHN of Falmouth
LEE of Auburn
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

Four members of the same Committee on the same subject reported in Report **"B"** that the same **Ought to Pass as Amended by Committee Amendment "A" (H-515)**.

Signed:

Senator:
BRAKEY of Androscoggin

Representatives:
ANDREWS of Paris
HAGGAN of Hampden
HENDERSON of Rumford

One member of the same Committee on the same subject reported in Report **"C"** that the same **Ought to Pass as Amended by Committee Amendment "B" (H-516)**.

Signed:

Representative:
POIRIER of Skowhegan

(Representative DANA of the Passamaquoddy Tribe - of the House - supports Report **"C", Ought To Pass as Amended by Committee Amendment "B" (H-516)**.)

Comes from the House with Report **"A", OUGHT NOT TO PASS**, **READ** and **ACCEPTED**.

Reports **READ**.

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

On motion by Senator **STEWART** of Aroostook, 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 Androscoggin, Senator Brakey.

Senator **BRAKEY**: Thank you, Mr. President. This bill - there seems to be a theme today on a lot of the bills that we're doing - this bill regards ultrasounds before an abortion. The - now, the underlying bill requires an ultrasound. However, in the committee process, proponents of the bill moved away from wanting to require that and alternate reports reflect that simply be requiring that a person have the right to have an ultrasound if they choose. So, this is not requiring - it wouldn't be putting a requirement, it's just clarifying a woman who, before having an abortion, would have the right to an ultrasound if she would like one, and that she can be informed of her right to an ultrasound. Thank you.

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

Senator **CARNEY**: Thank you, Mr. President, and thank you, colleagues, for your attention this morning - if it's still morning. I just wanted to point out that what this bill does is it layers on requirements to a medical procedure that are properly made by a patient and a doctor or other healthcare provider. So, things like ultrasound, providing medical information, determining whether it's better to treat or to wait for 48 hours, those are all decisions that this bill is asking us as a Legislature to make, and I - those decisions are appropriately made by a patient and a doctor in a medical setting and not by us sitting here in the Legislature, and I urge you to support the Ought Not to Pass motion.