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Senate Legislative Record

One Hundred and Thirty-First Legislature

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First Special Session

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Beginning with Page S-387

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.

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 (#412)

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

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

EXCUSED: Senator: KEIM

25 Senators having voted in the affirmative and 9 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 Protect the Quality of Care Provided via Telehealth by Prohibiting Physicians from Prescribing Abortion-inducing Drugs or Devices Through Telehealth or Other Electronic Communication"

H.P. 797 L.D. 1249

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-386)**.

Signed:

Senator:
BRAKEY of Androscoggin

Representatives:
ANDREWS of Paris
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-387)**.

Signed:

Representative:
HAGGAN of Hampden

One member of the same Committee on the same subject reported in Report **"D"** that the same **Ought to Pass as Amended by Committee Amendment "C" (H-388)**.

Signed:

Representative:
POIRIER of Skowhegan

(Representative DANA of the Passamaquoddy Tribe - of the House - supports Report **"B", Ought To Pass as Amended by Committee Amendment "A" (H-386)**.)

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 Penobscot, Senator Guerin.

Senator **GUERIN**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I'll be brief. In telemedicine, there's no way for a doctor to actually discern if a pregnancy has gone past ten weeks and the horrible, what I would think would be life altering experience of a woman who has taken this drug and delivers a well-formed baby that is too large to flush down the toilet is an experience that we heard in the public hearing can happen, and certainly would be horrific to that woman's life story.

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

Senator **BRAKEY**: Well, I figured you missed me, Mr. President, so. I thank Senator Guerin for her remarks on this bill. I will note I am a big supporter of telemedicine and telehealth. I don't know that it is appropriate for everything. And I just want to note, if you look at the calendar, there are several - I think there are four