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Senate Legislative Record

One Hundred and Thirty-First Legislature

State of Maine

Daily Edition

First Special Session

Beginning April 5, 2023

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 (#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

different committee reports on this bill. Obviously, the one before us is Ought Not to Pass, but there are a range of different ideas on how to proceed with parts of this bill or the full version of the bill, but there are a variety of options in front of us. Ultimately, for me, listening to the public hearing and the testimony, I do want to tread lightly in this area, but it does seem to me that we're - from what I recall from the public hearing - we're talking about these chemical abortion pills being prescribed through telehealth which are appropriate only up to ten weeks of pregnancy, if I remember correctly. There's no way of in a telehealth conversation, there's really no way to determine kind of what stage someone is at and then also, I mean, some of the - I would even hesitate to call them side effects because I think they're just the effects, of - of these abortion pills on the mother and what we heard stories of multiple days of agony, it just really seems to me that this is something that should be done in consultation with a physician who you have some in-person access to, not just something where you talk to someone for a little bit over telehealth. So, that's why I oppose the pending motion. Thank you.

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

Senator **BRENNER**: Thank you, Mr. President. I just want to stand here as a nurse midwife and share with you just a few facts about caring for women and telehealth abortion care services. So, one thing I think that's really important to note at this point in the abortion story in our country is that over 50% of all abortions are - we use medication in order to accomplish the abortion. They are 99.6% effective and there is a .4 chance of risk of complications. This is a very well-proven form of healthcare for women who choose it. There's follow-up provided and folks that are - providers that are engaging in telehealth abortion care services have relationships with emergency backup services for that .4% chance when a complication does arise. The benefit of telehealth abortion care services is the ability to expand services to rural communities for folks that have an inability to get - find transportation to get themselves to a clinic and it also allows for folks that have busy schedules and have the inability to fit in a visit in a time period that works for the clinic to be able to receive services. So, I just want to put a fine point on the - and remind everyone that abortion is healthcare for women here in the United States. 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. I just wanted to add that what this bill proposes to do is to make providing healthcare a crime that is punishable by up to five years in jail. It also makes sending medication that is legal punishable by up to five years in prison. And I think, again, this is healthcare, we should not single it out and criminalize healthcare providers for doing their jobs. Thank you.

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

Senator **BRAKEY**: Thank you, Mr. President. To be very brief and just respond to remarks from Senator Carney. What she said about the bill is true for the underlying bill and true for some of the reports on this bill, but there is at least one report, which I'm signed onto, which excluded both of those items that she mentioned. 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 (#413)

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

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

EXCUSED: Senator: KEIM

26 Senators having voted in the affirmative and 8 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**.

Senate

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Reduce Abuse of the Civil Ex Parte Attachment and Trustee Processes"

S.P. 577 L.D. 1459

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

Signed:

Senators:
CARNEY of Cumberland
BAILEY of York

Representatives:
MOONEN of Portland
ANDREWS of Paris
HENDERSON of Rumford
KUHN of Falmouth
LEE of Auburn
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford