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LEGISLATIVE RECORD

OF THE

One Hundred And Fourteenth Legislature

OF THE

State Of Maine

VOLUME I

FIRST REGULAR SESSION

December 7, 1988 to May 10, 1989

Committee Amendment "A" (H-139) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on JUDICIARY on Bill "An Act to Facilitate Treatment of Abused and Neglected Children"

H.P. 745 L.D. 1028

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-138).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-138).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-138) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on JUDICIARY on Bill "An Act to Require Parental Consent to a Minor's Abortion"

H.P. 457 L.D. 622

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-127).

Signed:

Senators:

HOBBINS of York
GAUVREAU of Androscoggin
HOLLOWAY of Lincoln

Representatives:

CONLEY of Portland
ANTHONY of South Portland
HASTINGS of Fryeburg
HANLEY of Paris
RICHARDS of Hampden
FARNSWORTH of Hallowell
COTE of Auburn
MACBRIDE of Presque Isle
STEVENS of Bangor

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-128).

Signed:

Representative:

PARADIS of Augusta

Comes from the House 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-127).

Which Reports were READ.

Senator HOBBINS of York moved to ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-127) Report, in concurrence.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Hobbins.

Senator HOBBINS: Thank you Mr. President (Mr. Speaker). Mr. President, men and women of the Senate. As you can see, my memory is bringing me back to the days in the other Body in which I dealt with this particular issue. This issue is one that grips all of us as individuals. It grips us and tears at us as members of a society. It is an issue that has been dealt with not only in this century, but in centuries ago. It is an issue that tears at most of us in many ways. This issue tore at all of us on the Judiciary Committee. It is one that we did not take lightly. As you can see from the Committee Report, twelve members of the Judiciary Committee went through a very tiring process. The decision of the majority of the Committee was made only hours and hours after legal research, of discussion by all members of the Committee, after consultation with members of the legal profession, with clergy, and with family members. I am proud of the Judiciary Committee. This group took its task very seriously and the Amendment that resulted deserves more consideration than the unfortunate attacks that have been laid upon it by those who support the original Bill.

This Amendment was an attempt, by the Judiciary Committee, to establish standards for informed consent to an abortion, which insure that all pregnant minors receive at least a minimal amount of information and counseling to aid them in their decision-making process.

I am sure that all of you if you put out a questionnaire on this issue and you ask the question straightforwardly, "should a minor teen, who becomes pregnant, in order to have an abortion have her parents consent?" In theory, I am sure all of you would say yes, but unfortunately, that is not the reality of the times. A straight question, such as that, has been held by the United States Constitution to be unconstitutional, it has been held by other state courts. The Bill, in its original form, did meet those constitutional standards because it provided for, what is known as, the judicial bypass. What the Supreme Court of the United States has said is that parental consent or a law with parental consent is constitutional if there is a safety valve or a bypass using the courts as a means so that a pregnant teen may obtain an abortion. Obviously, the original Bill does just that.

What the original Bill failed to do was address the overriding issues regarding that pregnant teen. What about those teens who are pregnant who cannot communicate with their parents? What about the issues of setting up guidelines and standards so that those young pregnant teens will discuss, in their decision-making process, other alternatives besides the decision to either terminate their pregnancy, have an abortion, or keep their child? What the amended version of this Bill and the report that I urge you to accept does is that it establishes standards and guidelines, it goes far greater from the present status quo. It provides greater protection to minors than that in the current law.

Essentially, the amendment provides that before a minor can obtain an abortion in this state, she must receive counseling from a physician and or a counselor. This goes way beyond what the current law is, which is merely written informed consent.

This Bill, in the amended form, has been called a pro-abortion Bill, you have heard the accusations, I have received the telephone calls and hundreds of letters as a member of the Committee. The people, in their sincerity, who telephoned me and who wrote to me are gravely concerned about the issue, but they are misinformed about what we are talking about today. The Judiciary Committee felt very strongly that we had to face the issue this session, we had to change the status quo in some way positive. If you look at the Committee Report you will see, as the good gentleman from the Committee, Representative Hastings said, "that we come to the Committee with a rainbow of ideas." Yes, our Committee found a common ground. We were very fortunate to have listened and discussed the matter between ourselves, because we did find common ground on this issue. The amended version is supported by members of our Committee of the Catholic faith and to be quite frank with you, as

a practicing Catholic, I resent the implication that we, on the Committee, have acted irresponsibly or without regards to the rights and interests of parents, children, and the family, as has been accused by the Diocese and their letters to this Body and to the other Body.

Our Committee is also made up of strong believers in the issue of anti-abortion philosophy. Three of the members of the Committee have that position and a very strong position and to say that those three members are pro-abortion is absurd. The Committee Amendment before you stresses objectivity on the part of the physician and the counselor and is clearly designed to make sure that the pregnant minor is presented with all the options. We have worded the language in the amendment, after careful consideration of the constitutional issues, not to be persuasive language, but to be informational language. Before the Committee voted on this Bill, the Committee studied the numerous court cases that have addressed the issue of abortion. We believe, the twelve members of our thirteen member Committee which includes seven lawyers and two law students, that the Bill before you in its amended form is Constitutional. We would not, as those who have taken an oath of office and those of us who have taken an oath by the Supreme Court to uphold the laws, support a Bill that was blatantly unconstitutional, as the proponents of the original Bill claim.

This issue, more than any other issue in my thirteen years of the Maine Legislature, has probably taken its toll on me both physically and emotionally. I suppose that maybe my four years away from the Legislature had made me more thin skinned than I was when I served by first twelve years in the Legislature and that is probably a true account of my situation. My situation has changed a little since I returned to this Body from my pass service, because I know personally the pain that many of those who support the original version of the Bill feel regarding the issue of abortion. I also know the pain that those feel who support the amended version as the Majority Report is outlined. All of us personally have to deal with the issue of abortion, the issue of balancing the rights of society, the issue of privacy for a woman, the issue of reproductive freedom.

I think about it a lot, I think about it some nights when I go in and I tuck my two children in and I think about the choices that their birth mother made not to terminate a pregnancy, but that was their choice. I am glad they made that choice, but that was their choice. It is not changed my opinion regarding this particular Bill.

The Judiciary Committee was responsible. We have addressed the issue in a very positive manner. It won't go away. As you know, the United States Supreme Court, on the 28th of April, heard oral arguments regarding a case that could reverse the decision of Roe versus Wade. This issue will never go away, but I say the time has come to act responsible, to change the status quo in a positive way to insure that before a young woman, pregnant teen, makes that decision to have an abortion that her decision will be informed. That she will look at all the alternatives, but her decision will be informed. Thank you.

On motion by Senator HOBBINS of York, supported by a Division of at least one-fifth of the Members present and voting, a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Thank you Mr. President. Mr. President, men and women of the Senate. This is an issue that is extremely emotional and causes a lot of deep feelings on both sides. I would like to say, without debating the merits or demerits of this particular Bill, that I find myself on the other side of the question from the good Senator from York, Senator Hobbins.

Having said that, I would like to say that I deeply regret the attacks that have been made upon him as an individual in the pursuit of this particular debate. I know what kind of a man he is and he has not deserved any of those remarks that have been coming from time to time from different people. I feel very, very sorry about those particular things. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Collins.

Senator COLLINS: Thank you Mr. President. Mr. President, men and women of the Senate. I thank the good Senator from York, Senator Hobbins, for his remarks and I am acutely aware of the effort which that Committee put into its decision-making process on something that is very difficult to analyze. It is very emotional and there are views which are very divergent among our population. However, I am not persuaded by the Committee's Report and I should like to tell you briefly that once in a while when we get out of this hallowed institution and go back into the real world and visit our constituents and talk with them, as I have this past week and the week before, we find that our constituents are very much aware of many of the things we do and they are very concerned about certain issues. In my district, this happens to be one of the issues that they are deeply concerned about. They ask me questions that I have difficulty answering.

The other day, in front of the post office, one of my good constituents said, "I understand there is an amendment to the bill on parental consent and it sort of changes it to a counseling bill." I said, "yes, that is correct, there is some counseling provided as an alternative to the original bill which asks for either parental consent or a judicial bypass." He went on to say, "I understand that a doctor, say an obstetrician, could be a counselor and I understand that most of those are rather supportive of abortions and how can they be objective in their counseling if they have an opinion in that fashion?" I concluded, "that is a good question and I guess perhaps I agree that it would be very difficult to do that." He went on to say, "I am a member of the Catholic Church and I think that most of our priests would have sort of a biased opinion if they were a counselor in this particular case. How do you account for that?" Again, I concluded that I couldn't and it was most difficult for me to make the premise that was "objective counseling". I crossed the street and met another woman who stopped and wanted to talk about the same thing and she said to me a very similar sort of thing, "I am a Protestant and it seems to me that my minister wouldn't be very objective in counseling in that case, as a matter of fact, I know precisely what he would say." Once again, I had to agree because I couldn't make the argument that others have made with respect to objectivity in the counseling procedure. Later that same day, I talked to a younger person, who was rather flip about the thing and he was rather disappointed in the action to date and he said, "I think that laundry list of counselors that they say one could use in this situation, I think they missed somebody." I said, "how is that?" He said, "well I think that a professional ping-pong player ought to

be able to counsel if these other people can too." Well, I realized that it was sort of a flip answer and I didn't respond to it and I said, "the people on that Committee are trying very hard in a very difficult situation, but I understand your concern and I understand why you are unable to accept the premises that they have." He said, "I wonder if that report isn't just a little bit self-serving." Well, I assured him that it wasn't, I said, "the people on that Committee are very honorable people and we have differences of opinion in our society and these people have concluded that this is the appropriate way to resolve the matter." My point here is that there are people in our society and in the State of Maine that do not share the opinion of the majority of that Committee. I am inclined to think that they are, in fact, in the majority.

During the last several months, all of us have seen a great many polls saying this and that and I suspect the pollsters, in their wisdom, are able to phrase questions to achieve the desired results. So, I accept the fact that one must look very carefully at the question and how it is phrased in order to deduce whether the answer is valid or not. I picked up and read a great many of these polls because I have an interest in this subject and I have tried to approach it from a fairly open position. The one that I found in my mind to be the most objective is one that was done by the Boston Globe and WBZ in the early part of this month. Essentially, they posed particular questions to the people who they solicited answers from and they concluded two or three things: They said, "most abortions are opposed. Most Americans approve abortion under certain, specific conditions." Essentially they said that if an abortion is on a teenager, if it is for the purposes of convenience, if it is because the fetus is of the wrong gender, that they opposed abortions.

Last year, I understand, there were about one million and a half abortions in this country. About seven percent of those were performed on women whom the majority of Americans would agree had a reasonable reason to have the abortion. I won't read to you the whole piece, I testified on parts of it at the public hearing and I know you all have had the chance to read these many polls that do exist. I then went to look at another periodical that I thought addressed the subject in a rather interesting way and it was U.S. News and World Report, and it was a little essay on morality and it was entitled, "Baby Boys to Order". Without reading the whole piece to you it essentially said that perhaps the Women's Lobby, who have been active in the pro-choice movement, ought to consider what has happened in recent years. Medical technology increases continually, the viability of a fetus is further reduced and we can determine early on whether the fetus is a man or a women to be. There is substantial evidence that suggests that more female fetus' are aborted than there are male. The article goes on to suggest that perhaps the women's movement might consider that and might consider, for example, that the majority as opposed to males might in due time decrease if we get to the point where we have abortions determined by the sex. I thought that was sort of an interesting piece and I filed that away and I thought perhaps that maybe in the next few years there will be a different feeling about this subject.

That night I was watching the news on television and I was astounded to see a procedure taking place in a California courthouse where a California parent was being held responsible, under the law, for a teenagers actions in disturbing the peace as a part of a gang in the neighborhood. I was reminded that parents generally have to assume the responsibility of their minor children in most everything we can think about. It seems to me that society is very quick to remind us of our duties and to say that your son or your daughter shouldn't have been doing this and what kind of a parent are you, don't you care? Well, I am sure that parents care, we are in a different society now than we were twenty years ago and frequently both parents work and it becomes more difficult to maintain appropriate family relationships.

It seems to me that if we can quickly identify and judge parents for their irresponsibility in a multitude of situations, how does one make the case for not having them involved in a traumatic decision by a child who is pregnant and must decide whether to carry the baby or to have an abortion? I have great difficulty accepting any alternative other than the involvement of the parent. It seems to me that the Bill that was placed before this Legislature offered an alternative to those situations that involved the emancipated woman. It provided the judicial bypass, it provided an opportunity for decision-making in those circumstances where the parents could not be of help. Mr. President and members of this Body, I hope you will reject the present motion and consider the alternative. Thank you Mr. President.

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

Senator GAUVREAU: Thank you Mr. President. Mr. President, men and women of the Senate. I am pleased to rise today in support of the motion of my good colleague the Senator from York, Senator Hobbins, that this Body Accept the Majority twelve to one Report of the Joint Standing Committee on Judiciary. Before I provide an explanation of my rational for supporting the majority position, I would like to echo the remarks of the good Senator from Penobscot, Senator Pearson, praising the work of Senator Hobbins. This has been a very long session for me, I have put in many fifteen and sixteen hour days and I think, as some of us do, that we personally are bearing the brunt of the work and the pressures in the legislative session and I suppose on a few eleven p.m. meetings, I have had that same thought. As I paused to consider what I would say to this Body this morning, over the weekend, the thought occurred to me many times of the demands that were placed upon the good Senator from York, Senator Hobbins, and I sincerely believe that no matter how one feels on this particular issue, one must respect the conscientiousness and the diligence displayed by the Senator in crafting not only a work product which is responsible and advances the legitimate health interests of adolescent teens in our state, but also represents an intelligent and honest harmonization of the truly difficult competing interests before us. I would like publicly at this time to commend my good colleague for the work that he has done. There are times, honestly, when I wonder why I spend long hours in this Body, but on occasions such as this I know why I do.

I believe that today's debate will in all likelihood not change one single vote in this Body, but there clearly is a duty and a responsibility for all of us to explain our positions and the rational which we use in deciding how to vote upon this measure. In approaching this very difficult and sensitive issue, I have applied the following principles. First of all, all of us must honestly and frankly assess the issue before us and present as rational and intelligent a response as we are able to do. Secondly, we must apply and respect the law of

the land, as articulated by the U.S. Supreme Court and by our Maine Supreme Court, on areas pertaining to interpretation of Maine Constitutional law. Third, it is my sincerely held view that although no matter how strongly I personally hold a view I will not, in the course of my public service, crystallize into statute or regulation any requirement that others accede to my personal views. Fourth, I have to what I refer to as the ten year standard. I believe strongly that there is life after the Legislature and my impression has been bolstered as I speak to former colleagues. My ten year rule is as follows: ten years from the day we complete our Legislative service can we look back upon a particular issue or a particular vote and answer only to ourselves, only to that one constituent, when I had an opportunity to address a very challenging, sensitive issue did I act with personal conviction and honesty and did I apply my intellect to the best of my ability. I think those are the four principles which I have applied in coming to this very difficult issue.

It is clear to me from my training that we are operating in an area that affords us somewhat limited discretion. The Supreme Court decisions in Roe versus Wade, Belletti versus Baird, Planned Parenthood versus Ashcroft has clearly set forth that, at present, the federal law of our land guarantees that each female, be she adult or minor, the right to a significant degree of privacy in the decision relating to abortion.

I recognize that various polls might at various times reflect a popular position which is at odds with the teachings of Roe versus Wade and yet the teachings of Marbury versus Madison indicate that we are required under our Constitutional precepts to adhere to the law of the land. I respect the rights of those who would seek to modify or overturn Roe, but as long as Roe is Constitutional law, I am bound and I, in fact, will apply the teachings of Roe in my legislative service. Roe versus Wade very clearly allows a woman, be she adult or a minor, the right to secure an abortion in most circumstances. There are sometimes when the state's interest in protecting the health and welfare of the woman or of the adolescent are paramount primarily those who are in the first trimester. As the good Senator from Aroostook, Senator Collins, has indicated, as medical science advances and as we are able to allow safe and appropriate deliveries earlier in the period of gestation, that first trimester analysis may have to be reviewed.

Belletti versus Baird is the main case along with Planned Parenthood versus Ashcroft in the Maine Supreme Court Case which clearly set forth guidelines, areas where states may and may not tread, in trying to harmonize legitimate state interest in protecting adolescent health in areas of minor abortions, while at the same time vindicating the primary rights of females to have abortions. Belletti set forth four basic criteria. First of all, any statute pertaining to minor abortions or restricting minor abortions must provide an expeditious process for deciding whether the minor may have an abortion, there cannot be a lengthy protracted judicial proceeding. The minor must be allowed to apply directly to a court for determination that she is sufficiently mature to decide whether to have an abortion without parental or judicial consent, the so-called judicial bypass you hear so much about. If the court should decide that the minor is not mature enough to make the abortion decision, the court, even then, may only restrict or refuse to allow the minor to abort if the court finds the minor does not have the consent of her parent for the abortion and the court finds the abortion is not in the minor's best interest.

Now, it strikes me that what the strong majority of the Judiciary Committee did in crafting the so-called compromise language was to vindicate each and every principle I set forth in the Belletti decision, while at the same time advancing in a significant way our mutual concern that we protect the rights of the adolescent teen in her decision on whether or not to abort. It is all too apparent, from the ardor and emotionalism attendant to the debate in these proceedings, that people hold strongly held views that the people whom the state must care most about are the adolescent teens. Those people who do not have the full range of objective information now needed to make a reasonable and honest decision. The Judiciary Committee heard all too often of adults who had decided based upon incomplete information to abort early in life and have now come to regret that decision. The Committee also heard of children who are pressured by parents and who in fact did not use safe health practices in going through the abortion decision and process. So, what we sought to do was to divine a mechanism, an objective mechanism, which would not seek to impose anybody's personal beliefs on whether or not to abort, a mechanism which would allow an adolescent a wide variety of reasonable options so that the person could make a truly intelligent, a truly informed decision. The Committee recognized there were many settings in which that process could occur not only in the office of a physician, but also in a psychologist or psychiatrist office, or a social worker, or an informed clergy person. So we allow a variety of settings in which a pregnant teen may receive objective, disinterested counseling which would consider all the implications of the abortion decision, including the consequences of carrying to term the current situation regarding child support, options available to the child. If the adolescent wants to carry to term, availability of adoption counseling for the child. I must say that having heard the howls of complaint and criticism on both sides of the issue over the last three months, I think now the choice of the majority of the Committee was truly wise. We will allow our adolescent teens to make a truly informed decision, her own decision, not the decision of me, not the decision of a parent, not the decision of someone who might feel militantly that women should be unrestricted to their body and that no abortion should ever occur, or that abortion should be a matter of public right.

It seems to me that is the most sensitive, personal choice in a woman's life. If I understand the teachings of Roe versus Wade and Belletti versus Baird and Planned Parenthood versus Ashcroft, the Supreme Court of the U.S has set a procedure to vindicate that right and as long as we serve under our state and federal Constitution we have an absolute duty to apply that law.

I would just take a moment to address the concerns raised by my good colleague from Aroostook, Senator Collins. First of all, I want to thank Senator Collins for his sincere, heartfelt, and reasonable presentation of this issue to the Judiciary Committee. I find him a person of uncommon intellect and fairness and I respect the way in which he has addressed this issue. With all respect to the Senator, as I listened to his debate this morning, I could not help but feel that at times he addressed in his debate not the limited area where states can regulate in the decision of a minor to abort, or to

have parental consent, but rather the merits of the abortion decision itself.

Given the acute sensitivity of this issue, I fully understand and appreciate why the Senator would get into that area. To reiterate, it is my conviction, based upon my study of the legal principles involved that we do not have that decision to make. It is true that perhaps in the case of the Webster Decision, that may in fact change the landscape by which women have the right to abort fetus' in this country, but right now Roe versus Wade is the prevailing law.

I would also point out that I spent most of my time this year not in the Committee room in Judiciary, but serving as Senate Chair of the Joint Standing Committee on Human Resources and we have heard several pieces of legislation dealing with the growing problems of sexually active adolescents. The problems which we as a state face are truly awesome. We know, painfully, that today more than ever before we have an increasing population of adolescents for whom traditional lines of family communication have broken down or eroded. Children, adolescents, who often times leave home, who are completely adrift, who have no secure lines of communication, often times they don't even have a stable home. It is estimated that on any given night in Maine some four hundred adolescents roam our streets without any home at all. So, let us be very clear in defining the population most effected by our discussion today. I suspect it will probably not be my two daughters, although I do not know. We have a very warm, open, honest relationship in our home. It may effect us, but probably it will not. It will probably effect adolescent teens who have no viable means of family communication and I fully respect the intent of those who sponsor and propose legislation like that before us today who would seek through legislative articulation to bolster lines of family communication, but I must say that nothing in my experience as a practicing attorney, or my involvement with social work on the Human Resources Committee, leads me to conclude that we may by the wisp of an executive pen or legislative pen solidify those relationships. Life is much more difficult than that.

So, it is for that population, the population of at risk adolescents who are sexually active, that the majority compromise is primarily addressed at. It can certainly be said and argued that there are other rational approaches to this problem. Given the time constraints and given the excessive degree of emotionalism attended to this issue, I am truly proud of the leadership of Senator Hobbins and my colleagues on the Joint Standing Committee in crafting the legislation before you today. It will truly vindicate federally recognized rights of pregnant teens to abort, while at the same time advancing legitimate state interest to assure that the pregnant teens decision be informed and be intelligent. Thank you.

Off Record Remarks

On motion by Senator DUTREMBLE of York, Tabled until Later in Today's Session, pending the Motion of Senator HOBBINS of York, to ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-127) Report, in concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Amend the Charter of the New Sharon Water District" (Emergency)

H.P. 1089 L.D. 1511

Committee on UTILITIES suggested and ORDERED PRINTED.

Comes from the House, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.

Which was, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee, and ORDERED PRINTED, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

HOUSE REPORTS - from the Committee on JUDICIARY on Bill "An Act to Require Parental Consent to a Minor's Abortion"

H.P. 457 L.D. 622

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-127)

Minority - Ought to Pass as Amended by Committee Amendment "B" (H-128)

Tabled - May 8, 1989, by Senator DUTREMBLE of York.

Pending - Motion of Senator HOBBINS of York, to ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-127) Report, in concurrence.

(In Senate, May 8, 1989, Reports READ.)

(In House, May 5, 1989 , Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-127).)

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

Senator MATTHEWS: Thank you Mr. President. Mr. President, men and women of the Senate. First let me echo the remarks of the Senator from Penobscot, Senator Pearson, and the Senator from Androscoggin, Senator Gauvreau, and I know speaking for those in this Body that support the original version of parental consent, which I believe is the true parental consent Bill, but I know all of us have respect for the good Senator from York, Senator Hobbins, that is not the issue here today. The eloquence of the Senator from Androscoggin, goes without question. He is articulate and he does a very good job and I respect him and so does the rest of us in this Chamber.

Ladies and gentlemen of the Senate, I was thinking coming down here today about what I would say to all of you, fellow colleagues of this Body in trying to urge you not to go with this compromise version that is before us. Listening to the remarks this morning, first my good friend, the Senator from Androscoggin, Senator Gauvreau, said no one's position can be changed. I differ with that assessment. Maybe it is a truly optimistic kind of position I have always had, ever since running for office, but no one of rational mind, and I believe all of us are of rational mind, has their position locked in that we listen to the debate, we listen to the arguments on either side of the issue and there is always hope. I believe in miracles, ladies and gentlemen of the Senate.

When we begin our day in this Body, we begin with a prayer, we ask for God's grace and guidance and blessing. I can't think of a better way to start each of our days.

This past weekend I spent two days traveling to southern Massachusetts to attend a wedding, a relative of my wife and I, embarking on their married lives. The pastor that did the wedding, evoked God's blessing on their marriage, talked about the responsibilities and the guidance of parents, the primary importance of God's grace and help, and parental wisdom. I think we shouldn't forget about that today in this debate. On our way back to Maine we traveled to the Plymouth Colony. We have the number one greatest society on the face of civilization, we are a leader, a beacon of hope, for all countries across the planet. But it is interesting when you look at American history and you really go back to the inception of this great nation, how did we start. It is almost a miracle, the great democratic experiment. It started, ladies and gentlemen, in the minds and in the hearts of people struggling to worship God in the way that they saw fit. When they came over to this shore, even before stepping off the vessel, they asked for God's grace and guidance and his wisdom and talked about the great miracle God had made in beginning this new world and this new experiment. Then by great fortune, we had other leaders that had the wisdom and the guidance to enact laws in a democracy that has now been in existence over two hundred years and I am sure another two hundred to come. But, God's grace and work have always been an integral part of what we have to cherish.

We have heard today comments that one side has been labeling and using influence in fighting for parental consent. Throughout our history, as a country, as a great people, we have had individuals collectively joining fighting for causes and for justice. It is no different today, we need to keep our remarks on the issue, I would grant you, but the right of every citizen to actively participate in this great country is an inherent right, one which I never will forsake.

I can remember in January standing outside the State House steps with five hundred people. The sun was blazing that January day, but the temperature was about ten degrees tops. Senior Citizens, men, women, children, teenage girls and boys, forming hands around the State House because they were going to continue their efforts and they believed sincerely that their voices would be heard. They believed sincerely in the rights of the family unit being the principle to all that we do as a country.

I remember a public hearing being attended by the largest crowd that I have ever seen in this State House and I have been here four terms, thank God and thank the people of my district. I would guess anywhere from six to seven hundred people from Kittery to Fort Kent, from Rumford to Machias and all parts in between believing strongly in America, believing strongly in this Legislature and in government that their involvement would make a difference. No one, I would think, challenges that involvement here today. I believe it does make a difference and it can make a difference.

There are many questions today, and I hope we can debate and discuss this issue, which bother me with the amended version. I, too, Senator Hobbins, the good Senator from York, am a Catholic and that has nothing to do with this issue. What does have to do with the amended version is the question of how a priest, a member of my faith, or a social worker for the Catholic Church would render counseling advice to a young teenage girl that she can have an abortion or not have an abortion. I am not a lawyer, I am a common citizen, a State Senator, but I have a question about that provision. A Baptist minister or an Episcopalian minister or what have you, we have the separation in this country of church and state based primarily on the battles that ensued in creating this country, those Puritans fleeing England to worship God as they saw fit. We have doctrines in our religious faith. Doctrines inherent to our beliefs and I don't understand how this amended version can profess to be Constitutional when it says to my faith and other Christian faiths, you shall talk to a young girl and let her know she can have an abortion. It goes against everything my church talks about. It also has a fundamental flaw of the physician performing the abortion rendering the counseling to the young girl to have the abortion. If that is not a conflict of interest, ladies and gentlemen, I don't know what is.

We had a poll very recently, and yes we do talk about polls here. Do you know why we talk about polls in this Legislature? Because the people back home sent us here, the Senator from Franklin reminds us of that all of the time. We have an inherent responsibility to listen to the people back home. The Press Corps did a poll and found that parental consent was supported by seventy percent of the people of the State of Maine, seventy percent. My Senate district two years ago, Senate district 13, was seventy-two percent. Other members of this Body who have done polling on this question; the good Senator from Aroostook, Senator Collins, over seventy percent, of course that is important to our decision. We are a democracy.

We have heard today about the young females that have dis-functional families and I know that issue very well, because I work in a related field fighting drug abuse and alcohol abuse among teenagers. Yes, that is a big problem and no one in this Chamber has any corner on that problem, we are all concerned, but the research that I have seen about the issue of parental consent on abortion tells us that about twenty percent of the young teenage girls having abortions fall into this dis-functional criteria. Again, the majority opinion here should at least be weighed into the discussion. Eighty percent of those teenage girls are not from dis-functional families, they are from good, loving, caring, american Maine people that care about their children. We cannot forget those voices.

Working with young adolescents, girls and boys, in our recovery program, chemical dependency treatment program, we have found much too often that many of the problems we are seeing in our state today, and I would venture to guess in our society today, stem from the inability, at times, of parents to be involved with their kids because some law or some requirement or some regulation separates children from families. Much of what we do in our program is to bring families and kids together for their mutual benefit and it works, ladies and gentlemen, nine times out of ten. That is what family therapy is all about, that is what the adolescent psychologists are telling us today, we need family involvement.

A recent article in an Adolescent Substance Abuse Magazine by a counselor who had been in the business for twenty years said, "what we are lacking today and what we need to fight and the problems among adolescents today is the family unit." Integral, central to our society, being pulled apart by state, pulled apart by the kinds of minority opinions we hear today.

Ladies and gentlemen, I want to talk a little bit about the opposition and let's get it out onto the table here. The Right to Life Committee has been fighting for parental consent so one might ask who has been fighting against parental consent? Unfortunately, that has been the Women's Lobby and unfortunately that has been the pro-choice movement. The sponsors and cosponsors of this Bill have time and time again kept the argument on parental consent and on family values, but I have been here and I have listened to what has been happening in the hallways.

No one will convince me that another group has not been telling colleagues of ours in these halls that this is really to get an abortion. That this is the anti-abortionist, that this has nothing to do with the family unit, this is Roe v. Wade. We are going to hopefully take care of Roe v. Wade, the Supreme Court is going to make a decision on that and probably will give the states more authority. Ladies and gentlemen, to every argument there is another side of the issue and it is time that the other side has been pointed out. The opposition has been here everyday working these halls, but I would hope and pray that each of you will use your mind, your heart, and your soul and look at the problems we are in today. Ask yourselves what can single-handedly begin to turn the tide. Family values, family unit, belief in God, and prayer, that can change the face of events, as it has in our country's history. I don't believe this discussion is over today, I don't believe this issue is decided today, no matter what we do, because it will be back if we do the wrong thing. We will go to court, unfortunately, if this amended version is passed. I hope I can get a response from the opposition to tell me again in more specific terms how this is not unconstitutional. We are not done with this issue, not by a long shot. Thank you.

Off Record Remarks

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator CAHILL: Thank you Mr. President. Mr. President, men and women of the Senate. I speak to you today as the Senator from Sagadahoc, representing myself, not as a representative of any political party because I think the seriousness of this issue knows no political boundaries. First, I must tell you how very much I appreciate each and every member of this Senate's views on this legislation. Anytime we deal with the subject of abortion it becomes emotional and a personal decision, not a Republican or a Democrat decision, but a personal decision. A decision that each of us must search our inner selves before resolving. I consider myself in support of life, ladies and gentlemen, also in support of adoption, certainly in support of family, and I am also in support of abortion. I wish, as a Legislature, we could eliminate all the situations that make abortion necessary; rape, incest, sexual ignorance, sexual abuse, bad luck, but it is not a perfect world that we live in, ladies and gentlemen.

I have wrestled a long time with this legislation and the motives behind it. At the public hearing on this Bill, I heard several times that the intent of the proposal was not meant to be anti-abortion, but to insure parental involvement in a pregnant minor's decision whether or not to have an abortion. This Bill would protect parents, but it would force young pregnant girls to go out-of-state or to realize my greatest fear to get an illegal, unsafe abortion, probably from an unprofessional person, probably in an unsterile environment, no protection whatsoever for the people we are trying the hardest to protect.

I just briefly must respond to my good friend and colleague from Aroostook, Senator Collins, that I doubt seriously that for the young people that this Bill addresses the sex of a child has any place when that person is making their decision whether or not to have an abortion.

I have also wrestled a great deal with the compromise as addressed in the Majority Report. My philosophy tells me that no parental consent law or compromise is the best thing. I am asking you today to put aside, as I had to do, your own personal philosophy, just for a minute, and think about the women this legislation affects. My daughter is seventeen years old. I hope I have educated her properly, if I didn't I hope she would love and trust me enough to come to me and talk to me or her father about her problem. If she doesn't, I'd still want the very best care and counseling for her. Limiting her options to the court, if she rejects me, doesn't protect her physically or emotionally and it doesn't make her aware that she has alternatives. The compromise requires that she consult with either a psychiatrist, a psychologist, a social worker, a doctor, a nurse practitioner, or a clergy person. Senator Pam Cahill from Sagadahoc's stubborn philosophy still says no Bill. Pam Cahill's maternal instincts say compromise.

We are here today, I believe, to protect the young women of Maine. Twelve out of thirteen members of the Judiciary Committee, with varying philosophies and religious beliefs, offer the Majority Report. The Majority Report offers protection to those young women in Maine. The alternative, or to scuttle the whole thing as I have heard recently, suggested by the Right to Life Activists, is shortsighted and self-serving. It protects a philosophy, but it ignores our teenagers that are in a major crisis situation. We can't legislate trust, ladies and gentlemen, you have heard that. We can't legislate love, we can't legislate that everyone in Maine be a good family, but we can legislate protection. This compromise is about protection, ladies and gentlemen of the Senate, and I ask you to vote yes for all the young women in the State of Maine. Thank you.

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

Senator BUSTIN: Thank you Mr. President. Mr. President, men and women of the Senate. I have hesitated on getting up on this Bill, but one of the reasons I stood up before was because I had noted that there were no women Legislators who had spoken on this Bill. I am very glad that the Senator from Sagadahoc, Senator Cahill, got up to speak. I think one of the reasons that the women in the Senate find it very difficult to speak on this Bill is because we really don't want to vote for it, but we feel that we have to. It is an emotional, personal, a very traumatic issue for women, whether or not we have had to face the question on a personal level.

We empathize with those women who have had to, none of us ever want to have an abortion, that is not what we are about. Our biological urges tell us to pro-create, we can do nothing about that. What we can do is have the best environment, politically, legally, and emotionally, to make those decisions that are best for us, for our society, and for this world. That is what this question is all about. It is a hard one. I don't want to vote for this compromise, but I am going to vote for it because it is the only thing before me at this moment that is reasonable and that can help women make those

decisions. I come from a family of nine women, with not a good family environment, I know from where I am speaking. Please support the Majority Report. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Dutremble.

Senator DUTREMBLE: Thank you Mr. President. Mr. President, men and women of the Senate. I do hope that all of you has a stomach that is churning and tight like mine is and I am sure the people on the other side feel the same way. If it isn't, it probably should be. When we deal with an issue like this, we better all hope that we make the right decision and that nobody gets hurt by what we do. My first year in the Legislature, 1979, in the other Body this was the first issue that I spoke on and here I am in 1989 speaking on it again.

This is an emotional issue, as you have heard from many people in this Chamber. It is also a highly charged issue and it should be. It is not something that we should take lightly, it will always here, and it should be something that is debated on and on and on because you are talking about something that is very, very important.

This issue that we have before us today is not an abortion bill. It has been stated that Roe v. Wade has decided that for us back in 1973 and I, like the good Senator from Androscoggin, Senator Gauvreau, will respect the decision of the Supreme Court that was made at that time. Although I may not agree with it, I will live with it and abide by it, because I also believe in the Constitution of this country and the workings of the Supreme Court. I also respect the process of the Legislature and I can count votes, I know what is going to happen here today. I also feel it is very important for me to get up and say what I have to and not let it go by without debate.

The people of this state want parental consent, the people in my district want parental consent and I, as a Senator, also have strong personal beliefs towards parental consent. The Committee on Judiciary is made up of good members, I have all the respect in the world for the good Senator from Androscoggin, Senator Gauvreau and all the respect in the world for the good Senator from Lincoln, Senator Holloway. As far as the good Senator from York, Senator Hobbins, he and I are good friends, we grew up together. I can remember when I played basketball against Barry in high school and I can remember that particular time I used to reject his shots and he used to try to shoot against me. Well, the good Senator has taken another shot now and I hope I can reject this one, too.

I also want to agree with the other comments that were made about the character of Senator Hobbins. Senator Hobbins has nothing more than the good wishes for all the people of the state, especially young people. I have no problem with the work he has done with that Committee, even though I may not agree with the final outcome. Senator Hobbins cares for the young people in this state and I want to make sure that everybody understands that.

Let me tell you why I can't support this Bill. I think that the Bill, itself, maintains the status quo. Right now, a young person can get an abortion. That young person can also go to their parents if she wants to. That person can also go to a counselor if she wants to. That young girl can also go to her priest if she wants to or she can just go to the abortionist if she wants to. This doesn't change anything as far as who you are going to go see. It does require, however, that these people give some kind of counseling. The good Senator from Kennebec, Senator Matthews, hit it right on the button. How can you have a priest or a minister counsel abortion when they, themselves, may be opposed to it, when their own philosophical teachings, their own religious teachings, may be opposed to it. Yet, in this Bill they would be required to do it. There is serious Constitutional problems with this part of the Bill. Top it all off with the last clause in this Bill, which has a nonseverability clause, which says that if any part of this Bill is declared unconstitutional, the whole thing will be. Tell me, what is going to happen to the minors after that? What happens to all of this counseling that is passed in this compromise? You have to think about that, because it could happen. We have already been told that at least one group is going to challenge the constitutionality of this compromise Bill. If you know the Constitution, as I am sure you all do, there are serious questions about that provision of the law that we are talking about here today.

This Bill started off as a parental consent Bill and I mean that in all sincerity. It has turned into a pro-choice versus pro-life, anti-woman versus pro-woman bill and it shouldn't have been. It was a parental consent Bill from the very start and a children's protection Bill. It has turned into this whole other thing and I see how that could happen because the emotions of the abortion issue are so strong that people start saying things that maybe a week or two down the road they feel sorry about. I will not attack the integrity of the members of the Judiciary Committee, I will attack the compromise, but not the members, because they did what they thought was best and I think we all do that when we work on legislation. The question that I have is that if a young girl becomes pregnant, and think about that now we are not just talking about sixteen and seventeen year old girls, we could be down to thirteen year old girls, what does a thirteen year old girl do who is pregnant? Go to a stranger? An abortionist will be a stranger. You are telling us that they are better prepared to handle the emotions of that young girl and I am saying that is not so. I am saying that I, as a father, and all the Maine people as fathers and mothers, are better prepared when they have brought up that girl from childbirth, have gone through the good times and the bad, have stuck by her all the time, they are better equipped to handle this problem. Not just before, but especially afterwards if they go through with the abortion. If they go see an abortionist and they have an abortion, who is going to help that young girl afterwards? Who is going to help this girl two or three years down the road if they start having problems, wondering whether or not they made a mistake? I know I will be, as a father, and all other Maine mothers and fathers would be too.

What I really think is going to happen is that young girls will either continue to tell their parents or they will go to see the doctors. My problem is that one part of the Bill says that the young girl cannot come back on the doctor. If they get bad advice, if something happens, and the girl feels that she was given bad advice, according to this Bill the girl cannot go back after the doctor. We are taking away rights from a minor here and supposedly we are trying to protect minors and we are taking rights away and we are giving them to the doctor performing the abortion. They have the rights, the girls lose the rights. There is no question that is in the Bill. When we say we are protecting the rights of the girls, to a certain degree you might be. The comment was made that we are continually making attacks on this compromise and you are right, we will make attacks on this Bill

because I don't agree with it. But also understand, that if it wasn't for those of us who put this Bill in, in the first place, this compromise would not be here either. I guarantee you that those people who are opposed to parental consent wouldn't have come up with this compromise by themselves and so while it is true that we will attack the Bill, this compromise that you are voting on today is there because we put some work into the original Bill.

Ladies and gentlemen of the Senate, again I have been here a number of years and I respect the decision that this Legislature finally makes, but I hope we would defeat this current motion before us so that we could vote for the Minority Report. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Thank you Mr. President. Mr. President, men and women of the Senate. When I was a little boy and as I grew older, my father was a physician, a medical doctor. From time to time there would be an accident in the house, my sister broke her collar bone and tonsils came out and that sort of thing, and I asked my mother one time how come my father didn't operate on us. She told me that he couldn't because he had a conflict of interest. I asked her why and she told me that he cared too much about us and he wouldn't be objective if we were being operated on. So, we had to go see Walter Hall, the other doctor in town. When I had an insurance physical I had to go see Walter and when I went to the hospital for my ear I had to go to another doctor and all of those things. It wasn't practical, it wasn't good for that to happen because he would be too emotionally involved with what was going on. It wasn't a matter of money it was a matter of emotion.

This Bill has a provision in it that allows the person who is going to do the abortion to do the counseling if the girl so chooses. Senator Collins, from Aroostook, mentioned that particular instance and Senator Dutremble, from York, has touched on it too. It is real. Of all the provisions in that whole so-called compromise, that is the one that bothers me the most. The person who is going to perform the procedure can do the counseling and I don't think that ought to be happening because I don't think that person is objective. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Hobbins.

Senator HOBBINS: Thank you Mr. President. Mr. President, men and women of the Senate. I would like to address two issues that have been raised. First, the issue that was raised by the good gentleman from Penobscot, regarding the issue of the physician being able to do the counseling. The reason the amendment has been crafted the way it is, is because the United States Supreme Court have not allowed states or Legislatures to put up intrusive roadblocks or intrusive mandates in the legislation. Those particular roadblocks have been declared unconstitutional, whether it is language in the informed consent statute which takes away the discretion of the physician, or the issue involving persuasive language which had to be discussed with a minor woman before she could consent to an abortion.

What you should understand, ladies and gentlemen of the Senate, is that under present law, under the present situation, there are no guidelines in the law or requirements of any discussion that are outlined in the counseling provision of this Bill. You might ask why did we put in ordained clergy as one of the options for counseling. We looked closely at the language and whether or not the amendment as presented intrudes on the separation of the church and state. It is the feeling of the Judiciary Committee, the twelve members, that there is no violation of that doctrine of church and state, because the inclusion of clergy members as potential counselors neither promotes any religion, nor prevents anyone from exercising their religious beliefs. It is up to the minor, under this proposal, to choose the person she wants counseling her, provided that the person fits the guidelines of the Bill.

Her choice of that clergy is her choice. It is the choice of that ordained clergy whether or not to provide formal counseling in signing their name as stated or providing the spiritual counseling and not participating in the formalization of that part of the guideline that goes to that woman's informed consent. I respect those members who bring these issues before this Body, but you should all understand that presently a young woman, a teen who is pregnant, doesn't have to go to her parents, doesn't have to go to court, and doesn't have to go to a counselor.

This amendment before you says that in order for an abortion to be performed, that pregnant teen must have the consent of her parents, an adult family member, a guardian, a consent of the court through judicial bypass, or the bypass of a counselor, discussing with that pregnant teen all of her options that are available. At least this amendment talks about alternatives available to that young pregnant teen, not like the status quo. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Dutremble.

Senator DUTREMBLE: Thank you Mr. President. Mr. President, men and women of the Senate. I think the Senator from York, Senator Hobbins, is absolutely correct in what he is saying, except for one thing. The young minor will never see this Bill and don't think for one minute that a thirteen or fourteen year old is going to go through the laws of the State of Maine. If they won't go to their parents already, they will go see a doctor and all that doctor has to do, who performs the abortion, is give some kind of counseling and that takes care of all the requirements of that Bill, from what I understand. That is really no different than what is happening now.

A young girl, who becomes pregnant, goes through traumatic times. The time of wondering if you are pregnant, the time of finding out you are pregnant, the time of being rejected by your boyfriend, and the time of trying to find out what to do. Those are very traumatic times. I still think that the parents are the best people who are equipped to handle that. I also agree with some people who say that there are abusive parents out there, nobody likes to see that, I certainly don't, and that is why we have the judicial process involved. I have heard that you are going to have young girls sitting in the hallways with criminals and people who are mean, let's not throw any red flags into this thing. Look at our judicial system. I look in this Body here and I see in the future a judge in Senator Gauvreau and a judge in Senator Hobbins, those are good people. The judges that we confirm are good people and they are not going to let these things happen. The parental consent legislation that was originally put in has passed Constitutional muster, it is already in a number of states. So, we wouldn't have to worry about Constitutionality. When the hearing to this Bill was held, I made the comments that my fourteen year old daughter has to ask to go to a movie, she has to ask to go to a basketball game or to get a license to drive, but doesn't have to ask me to get

an abortion. If she has a broken finger and goes to the doctors she needs my medical approval, or at least I think she does. All of a sudden with this particular phase of life on abortion, a daughter doesn't even have to consult a parent. I am telling you that young girls talking to parents would be easier able to cope with this than going to an abortionist who is going to perform the abortion, collect the money and never see this girl again. Maybe I am wrong, but I don't think so.

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

Senator GAUVREAU: Thank you Mr. President. Mr. President, men and women of the Senate. I rise briefly to address one issue raised by the remarks of my good colleague from York, Senator Dutremble. Before I address that, I feel compelled to praise all the members of this Body for the sincerity and the honesty by which they have addressed this issue. That simply bolsters my confidence and my respect for all the women and men who have spoken this morning.

With respect to the issue raised by Senator Dutremble from York, there is a distinction between informed consent, which currently all physicians licensed under Title 32 in Maine have to address, and the actual specific counseling initiatives. Clearly, any physician does have to apprise the woman or girl, as the case may be, regarding possible adverse consequences from the abortion procedure. That currently is the status of Maine law. What isn't in Maine law now and what the majority suggests should be in Maine law would be the specific counseling which is set forth in Committee Amendment "A" in Section 4, where it states "Information and counseling for minors." As you can see, there is a rather specific listing of matters which the counselor must address with the pregnant minor and those initiatives include, but are not limited to, explaining that the information which is given is truly objective and not with the view toward persuading the child to either abort or not to abort. The minor does have the right at any time to withdraw her decision to abort and also clearly and fully explore with the minor the alternative choices which are available to the minor, including carrying the pregnancy to term and keeping the child, or putting the child up for adoption, as well as, exploring the elements of prenatal and postnatal care. So you will see, the options that the Majority Report makes available are clearly designed to enhance and augment the minor child's understanding of the options which are available to her.

Finally, there was another point which I would like to address and that is the suggestion that perhaps the physician would have a financial conflict of interest by undergoing this type of counseling. It seems to me that is the case in almost every procedure now with physicians. Maine law does require them at least to advise as to informed consent. For example, on breast surgery, an area you may hear more about for we have legislation dealing with that in my Committee, currently, physicians are required, under Maine law, to apprise their patients of all the adverse consequences which might come from an operative procedure and we don't believe that physicians are failing to discharge their responsibilities simply to enhance their practices. That was a legitimate point to raise, but their is no evidence which we have seen to suggest that physicians are abusing their responsibilities of the law. Thank you.

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

Senator MATTHEWS: Thank you Mr. President. Mr. President, men and women of the Senate. My good seat mate the good Senator from Androscoggin, Senator Gauvreau, points our attention to Section 4 and it is right there that I have serious doubts and problems with this amendment. If you look at page four under "information and counseling for minors", it is clear that what the church is in the position of having to do is to counsel for an abortion. It says, giving objectively, not coercing or persuading. Ladies and gentlemen, the ten commandments are pretty clear the last I checked. We haven't asked our churches yet, in this country, to change their doctrine, change the old testament, the new testament, to be objective. We have certain precepts that we believe in. This is unconstitutional and I beg to differ with my colleagues in this Body that somehow this has been written to pass Constitutional muster.

A little bit further down on page four of the Committee Amendment "A", under sub-section 5, it says, "discuss the possibility of involving the minor's parents, guardian or other adult family members." Who are the other adult family members? Will someone explain that to me? What legal authority do they have? This is swiss cheese, ladies and gentlemen of the Senate. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Holloway.

Senator HOLLOWAY: Thank you Mr. President. Mr. President, men and women of the Senate. In response to the question that was just asked, I think it should be a known fact that there is no teen that is forced to go to a clergy. There are options and there are seven or eight different options. They are not forced to go to any one particular option.

This is definitely an informed consent Bill. It is not parental consent, it is informed consent, even though the parent is still there to offer if it wishes. I am hoping today that this Chamber can do what the Committee did in Judiciary. We came from so many opposite spectrums. There was one who said, "there is no way I want anything to go on the statutes, nothing whatsoever, I am definitely pro-choice." Then we went to the other side of the spectrum where one person said, "I went home empty handed last time, four years ago, when we had this Bill in the House and my people want parental consent. I went home with nothing, so I am willing to look at a compromise." And, we did, we looked at blue, green, orange, white, these are all amendments, my friends, to this Bill and an effort to come up with something that we could all look at and say that perhaps we had helped minors in the State of Maine.

We acted what we consider to be responsible, prudent, and we were very sincere in our efforts to find this common ground. The child does have alternatives and I think that is the one thing we are missing here today. If she cannot go to the clergy, and she cannot go to the guidance counselor, or to a nurse practitioner, this allows her seven different options in seeking advice, information, and guidance. It appears that there are many in this Chamber today that feel that most minors can come to the parent if she has this problem and that is not true. There are many girls who cannot go home, they have fears of rejection, they have fears of being abused, and they have fears of being evicted from their homes. They can't tell their parents and they are certainly a little afraid of that man in the big black robe.

As far as Constitutionality that the good Senator from York, was speaking about on parental consent in others states, it was proven to us that in Massachusetts once parental consent became law, prior

to the law, we had maybe two or three girls from Massachusetts coming into Maine seeking abortions, last year we had around two hundred and seventy, because parental consent does not work in Massachusetts. These girls are using the Kittery bypass to come to Maine for abortions.

We, on the Committee, have been lobbied hard, we have suffered a lot of mental anguish about this discussion, but the twelve of us have hung together very tightly and we believe we have given Maine minors a choice and some relief in her very lonely search in trying to find information, guidance, and help of this very delicate situation. I do hope that you will support our compromise Bill. Thank you.

Off Record Remarks

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

Senator MATTHEWS: Thank you Mr. President. Mr. President, men and women of the Senate. I rise just to correct a couple of statements from the good Senator from Lincoln, Senator Holloway. The good Senator says that this is not a parental consent Bill that this is an informed consent Bill. I would just point your attention to the Bill and it says, "An Act to Require Parental Consent to a Minor's Abortion". I couldn't concur more, but you better change your amended version. It is not parental consent, you are quite correct.

I would echo again the question under page four about other family members. Ladies and gentlemen, that could be a grandmother, grandfather, uncle, aunt, cousin, brother, sister, third cousin, would someone please get up from the opposition, I beg of you, and explain what you mean by adult family members?

THE PRESIDENT: The Senator from Kennebec, Senator Matthews, has posed a question through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from Lincoln, Senator Holloway.

Senator HOLLOWAY: Thank you Mr. President. Mr. President, men and women of the Senate. In answer to your question, I would say that you are quite right. Anyone over eighteen would be an adult member of that family. I can't imagine what would be wrong with having an aunt assist this child in her decision.

Senator MATTHEWS of Kennebec requested and received Leave of the Senate to speak a fourth time.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator MATTHEWS: Thank you Mr. President. Mr. President, men and women of the Senate. This is supposedly a parental consent bill, how does this become a parental consent Bill?

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

Senator CLARK: Thank you Mr. President. Mr. President, men and women of the Senate. In response to the inquiry posed by the Senator from Kennebec, Senator Matthews, this Bill is an informed parental consent Bill which includes persons listed in the Majority Report, in addition to parents. This is a parental consent Bill in experience. Its statistics and polls are indicators of what is occurring outside these Chambers. In fact, well over ninety percent of young females who find themselves unintentionally pregnant, will seek the counsel of their parents. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator HOBBINS of York, to ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-127) Report, in concurrence.

A vote of Yes will be in favor to ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-127) Report.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators ANDREWS, BALDACCI, BOST, BRANNIGAN, BUSTIN, CAHILL, CARPENTER, CLARK, DILLENBACK, EMERSON, ERWIN, ESTES, ESTY, GAUVREAU, HOBBINS, HOLLOWAY, KANY, LUDWIG, PERKINS, TITCOMB, WEYMOUTH, WHITMORE

NAYS: Senators BERUBE, BRAWN, COLLINS, DUTREMBLE, GOULD, MATTHEWS, PEARSON, RANDALL, THERIAULT, TWITCHELL, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senator GILL

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator HOBBINS of York, to ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-127) Report, PREVAILED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-127) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senate

Leave to Withdraw

The following Leave to Withdraw Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Senator TWITCHELL for the Committee on TRANSPORTATION on Bill "An Act to Authorize the Placement of a Directional Sign on Interstate 95 for Unity College"

S.P. 428 L.D. 1139

Change of Reference

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Resolve, to Provide Certified Nursing Assistant Training at the Central Maine Vocational-Technical Institute

S.P. 343 L.D. 913

Reported that the same be REFERRED to the Committee on HUMAN RESOURCES.

Which Report was READ and ACCEPTED.

The Resolve REFERRED to the Committee on HUMAN RESOURCES.

Sent down for concurrence.

Ought to Pass As Amended

Senator THERIAULT for the Committee on BANKING AND INSURANCE on Bill "An Act to Amend the Law Concerning Insurance Cancellation Control"

S.P. 99 L.D. 118

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-92).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-92) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator BOST for the Committee on EDUCATION on Bill "An Act Relating to Driver Education Courses" (Emergency)

S.P. 214 L.D. 530

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-90).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-90) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator LUDWIG for the Committee on ENERGY AND NATURAL RESOURCES on Resolve, to Study the Development of a System of Ecological Reserves in the State

S.P. 456 L.D. 1241

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-91).

Which Report was READ and ACCEPTED.

The Resolve READ ONCE.

Committee Amendment "A" (S-91) READ and ADOPTED.

The Resolve as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator WEYMOUTH for the Committee on HOUSING AND ECONOMIC DEVELOPMENT on Bill "An Act Concerning Amendments to the Community Industrial Buildings Programs"

S.P. 175 L.D. 332

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-89).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-89) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

The Committee on Bills in the Second Reading reported the following:

House

Bill "An Act to Change the Number of Rooms Required for Hotel Liquor Licenses"

H.P. 388 L.D. 519

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

House As Amended

Bill "An Act to Clarify Laws Pertaining to the Enforcement of Forestry Fire Control Laws"

H.P. 88 L.D. 123
(C "B" H-135)

Bill "An Act Concerning The Siting of Solid Waste Transfer Stations"

H.P. 107 L.D. 144
(C "A" H-134)

Bill "An Act to Provide Funds for the Montpelier Museum in Thomaston"

H.P. 148 L.D. 200
(C "A" H-129)

Bill "An Act to Provide for Constructive Notice of Injury for Workers' Compensation Purposes"

H.P. 236 L.D. 348
(C "A" H-133)

Bill "An Act to Make Additional Allocations from the Public Utilities Commission Regulatory Fund for the Fiscal Year Ending June 30, 1990"

H.P. 244 L.D. 356
(C "A" H-131)

Bill "An Act to Assist the Environmental Health Unit of the Maine Bureau of Health"

H.P. 359 L.D. 475
(C "A" H-130)

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

Senate As Amended

Bill "An Act to Establish Free Fishing Days in Maine"

S.P. 329 L.D. 866
(C "A" S-87)

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.

ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

An Act to Increase the License Fees for Hospitals and Long-term Care Facilities

S.P. 163 L.D. 320
(C "A" S-61)

An Act Relating to Theft of Services

H.P. 362 L.D. 493

An Act to Ensure Proper Representation on the Region II Crisis Intervention Program Advisory Board

S.P. 325 L.D. 862
(C "A" S-63)

An Act to Allow Automatic Teller Machines on the Maine Turnpike

S.P. 403 L.D. 1047

Which were PASSED TO BE ENACTED and having been signed by the President, were presented by the Secretary to the Governor for his approval.

An Act Concerning Transportation Expenses for Former AMHI Patients

S.P. 246 L.D. 576
(C "A" S-62)

On motion by Senator TITCOMB of Cumberland, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby the Bill was PASSED TO BE ENGROSSED AS AMENDED.

On further motion by same Senator, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (S-62).

On further motion by same Senator, Senate Amendment "A" (S-75) to Committee Amendment "A" (S-62) READ and ADOPTED.

Committee Amendment "A" (S-62) as Amended by Senate Amendment "A" (S-75) thereto, ADOPTED in NON-CONCURRENCE.

Which was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

Sent down for concurrence.

An Act to Provide Funding for the Beals Island Regional Shellfish Hatchery

H.P. 539 L.D. 736

On motion by Senator PEARSON of Penobscot, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.