

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**  
OF THE  
**One Hundred And Sixteenth Legislature**  
OF THE  
**State Of Maine**

**VOLUME I**

**FIRST REGULAR SESSION**

**House of Representatives**  
December 2, 1992 to May 13, 1993

Spear, Stevens, K.; Sullivan, Swazey, Taylor, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, True, Walker, Wentworth, Whitcomb, Winn, Zirkilton.

ABSENT - Bailey, H.; Chase, Cloutier, Hillock, Libby Jack, Melendy, Rydell, Thompson, The Speaker.

PAIRED - Strout (Yea)/Cashman (Nay).

Yes, 40; No, 100; Absent, 9; Paired, 2; Excused, 0.

40 having voted in the affirmative and 100 in the negative with 9 being absent and 2 paired, House Amendment "L" (H-128) was not adopted.

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be engrossed and later today assigned.

### ORDERS OF THE DAY

#### UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

The Chair laid before the House the first item of Unfinished Business:

HOUSE DIVIDED REPORT - Majority (11) "Ought Not to Pass" - Minority (2) "Ought to Pass" as amended by Committee Amendment "A" (H-97) - Committee on Judiciary on Bill "An Act to Ensure a Woman's Right to Know" (H.P. 604) (L.D. 819)

TABLED - April 5, 1993 (Till Later Today) by Representative COTE of Auburn.

PENDING - Motion of same Representative to accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Plowman.

Representative PLOWMAN: Mr. Speaker, Men and Women of the House: Once again, I'm on the Minority Report. Before you is the motion to accept the Majority "Ought Not to Pass" Report on An Act to Ensure a Woman's Right to Know."

We have put before you a common sense amendment. There is not a woman in Maine, who before she can legally drive a car on a public road, is not required to know how to drive and neither is there a woman in this state who when applying for job is not required to know the job. There are laws requiring health warning on cigarette packs, nutritional information on food packages - we require a product manufacturer to warn people not to use blow dryers in the shower, to stick their hands underneath the lawnmower when the motor is running and you can't even shift a new car into reverse unless your foot is on the brake - if this body can insist as an extra measure of precaution that people with a lifetime of experience hunting in Maine woods wear orange hats, surely we can apply the same wisdom to alternatives facing pregnant women.

This amendment simply requires that a woman at the time she is notified that she is pregnant be provided with a full list of options. A woman's choices are not simply abortions or child birth. If we are not willing to assume people are smart enough

not to put their hands into an operating food processor, why are we so willing to suppose pregnant women know all the alternatives available to them, particularly when women are pregnant for the first time?

My proposal is to give the woman the peace of mind that whatever decision she makes regarding her pregnancy, she has made the right choice. True peace of mind can only come through an informed decision. The woman struggling to decide what to do about her pregnancy needs to know that there are secure ways for her to act in addition to abortion. Security for a single or married woman who finds herself pregnant might lie in her finances. She might be a student without a job or with a very small income. Maybe she is living at the poverty line. She may not know she is in a position to have prenatal care or a good doctor. Is she aware of the possibilities for adoption and available adoption facilities? She needs to know that there are legitimate, caring adoption agencies who will place her child with loving parents. Women do not need to make desperate, fearful decisions regarding their pregnancy. A decision made out of fear and ignorance is a choice that years later leaves a woman wondering if she made the right decision. What benefit are we offering women by protecting them from information?

Abortions for many women is not an easy decision. It is sometimes a brutal decision. Considering alternatives to abortion does not make that choice any more difficult. Some women at the moment that they find they are pregnant will have no doubt that abortion is the correct alternative. Fine. This amendment gives these women the option to waive any requirements for additional information. The purpose for this amendment is simply to offer the pregnant woman who is very unsure, frightened or feeling somewhat desperate but she has available alternatives. It may just be thought that she can develop more fully as she makes up her mind whether or not to continue her pregnancy. This amendment leaves the choice to continue her pregnancy 100 percent with the woman. There is no waiting period in this amendment, there is no requirement that a woman receive or view graphic information. This amendment simply asks that the pregnant woman be provided with information she can rule out one by one. When a woman has reached her decision, she does so at a time most appropriate for her and it will be an informed decision she can live with, that she can reassure herself that she had all the information necessary to make a decision.

There is not a person in this room in short who would not advise a woman to consider her alternatives. If you agree that a woman should take at least as much care on the outcome of her pregnancy as she does in perhaps buying a car, then I believe you will vote to adopt this amendment.

Representative Tracy of Rome requested a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the

House is the motion of the Representative from Auburn that the House accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Gould.

Representative GOULD: Mr. Speaker pursuant to House Rule 7, I request permission to pair my vote with the Representative from Old Town, Representative Cashman. If he were present and voting, he would be voting yea; I would be voting nay.

The SPEAKER: The pending question before the House is the motion of the Representative from Auburn that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 36

YEA - Adams, Aikman, Ault, Barth, Beam, Bennett, Bowers, Brennan, Bruno, Cameron, Carleton, Caron, Carroll, Cathcart, Chase, Clement, Coles, Constantine, Cote, Cross, Daggett, DiPietro, Donnelly, Dore, Erwin, Faircloth, Farnsworth, Farnum, Fitzpatrick, Foss, Gamache, Gean, Gray, Greenlaw, Gwadosky, Hale, Hatch, Heesch, Heino, Hognlund, Holt, Joseph, Kerr, Ketterer, Kilkelly, Kontos, Larrivee, Lemont, Libby James, Lindahl, Lipman, Marsh, Melendy, Michael, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Nash, Nickerson, Norton, O'Gara, Oliver, Ott, Paradis, P.; Pendexter, Pendleton, Pfeiffer, Pineau, Plourde, Poulin, Rand, Reed, G.; Richardson, Ricker, Rotondi, Rowe, Ruhlin, Saint Onge, Saxl, Simonds, Skoglund, Spear, Stevens, K.; Sullivan, Swazey, Taylor, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, True, Walker, Wentworth, Winn, Zirkilton.

NAY - Ahearne, Aliberti, Anderson, Bailey, R.; Campbell, Carr, Chonko, Clark, Clukey, Coffman, Dexter, Driscoll, Farren, Hichborn, Hillock, Hussey, Jacques, Jalbert, Johnson, Joy, Kneeland, Kutasi, Look, Lord, MacBride, Marshall, Martin, H.; Michaud, Murphy, Pinette, Plowman, Pouliot, Quint, Reed, W.; Robichaud, Simoneau, Stevens, A.; Strout, Tardy, Tufts, Vigue, Young, The Speaker.

ABSENT - Bailey, H.; Cloutier, Dutremble, L.; Lemke, Libby Jack, Rydell, Small, Thompson, Whitcomb.

PAIRED: Gould (Nay)/Cashman (Yea)

Yes, 97; No, 43; Absent, 9; Paired, 2; Excused, 0.

97 having voted in the affirmative and 43 in the negative with 9 being absent and 2 paired, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

The Chair laid before the House the second item of Unfinished Business:

HOUSE DIVIDED REPORT - Majority (11) "Ought Not to Pass" - Minority (2) "Ought to Pass" as amended by Committee Amendment "A" (H-98) - Committee on Judiciary on Bill "An Act to Ensure a Parent's Right to Know" (H.P. 605) (L.D. 820)

TABLED - April 5, 1993 (Till Later Today) by Representative COTE of Auburn.

PENDING - Motion of same Representative to accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the

Representative from Hampden, Representative Plowman.

Representative PLOWMAN: Mr. Speaker, Men and Women of the House: I rise again and hopefully for the last time today as the only person on the Judiciary Committee to ask you not to accept the Majority "Ought Not to Pass" Report.

The opponents of this provision insist that parental notification is unjust to pregnant minors from abusive and/or incestuous families. Opponents claim 10 percent of pregnant minors fall in this category. How, they say, can we ask young ladies to tell physically or sexually abusive parents that they are pregnant? I ask you, how can we insist a child go through this most serious situation, abortion, provided by strangers only to be returned to a dysfunctional home to again be abused? We will have done nothing for the long-term safety and welfare of that minor. In some, and perhaps many instances, we will have made these children's lives worse.

Parental notification will work for whole families, for the parents who want to be for their children and for their children who need to reach out to their parents. The bypass provision, a safeguard for children of abusive homes, would allow a minor to obtain an abortion without parental consent but it also supplies the critical provision of alerting the proper authorities and agencies of the actual day-to-day danger that this child lives with. To suggest to a minor who lives in terror will be allowed to obtain an abortion simply upon the approval of a third party, whether a guidance counselor, psychologist or a minister attributes to abortion for minors the same emotional, spiritual and physical impact of the minor who gets drunk for the first time.

A recent poll showed almost 75 percent of Mainers approve of parental notification. I am sure they feel, as I do, parental notification is a means of bringing minors and parents together. How many of us as children were afraid to tell our parents we accidentally hit a baseball through a neighbors window or dented a fender on the family car? We may have had the most loving parents in the world but we were still afraid. We would have given anything in the world to fix the window or the dents so that Mom and Dad wouldn't find out, wouldn't we?

What then of a young girl today who discovers she is pregnant? It wouldn't be unusual, would it, for her to be afraid of her parents' reaction? That doesn't mean that her parents are going to react in a cruel and abusive manner, does it? Chances are that loving parents who learn that their child has crunched the car fender will want to know if she is all right. While the ramifications of pregnancy far surpass a fender bender, chances are loving parents, while they may not be delighted with the news, will want to know that their daughter is in good health and, in turn, will want her to know that she is still loved. We must not encourage further fragmentation of whole families. I believe neglecting parental notification provides an opportunity for children of loving parents, out of a normal but unnecessary reaction of fear, to seek consent for abortion through a third party and that would be tragic.

If my daughter, while still a minor, comes to me pregnant we will sit down and we will determine from all the available alternatives, what is best for her at this time in her life. We would consider things like her age and her maturity and the alternatives that might affect her life. If my daughter turns to