

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Seventeenth Legislature

OF THE

State Of Maine

VOLUME IV

FIRST REGULAR SESSION

Senate

May 2, 1995 to June 16, 1995

ABSENT: Senators: AMERO, CIANCHETTE, O'DEA

22 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 3 Senators being absent, the motion by Senator MILLS of Somerset to ACCEPT the Majority OUGHT NOT TO PASS Report, in concurrence, PREVAILED.

Divided Report

The Majority of the Committee on JUDICIARY on Bill "An Act to Require Parental Notification for Minors Seeking Abortions"

H.P. 467 L.D. 633

Reported that the same Ought Not to Pass.

Signed:

Senators:

- MILLS of Somerset
- PENDEXTER of Cumberland
- FAIRCLOTH of Penobscot

Representatives:

- TREAT of Gardiner
- WATSON of Farmingdale
- LAFOUNTAIN, III of Biddeford
- RICHARDSON of Portland
- LEMKE of Westbrook
- HARTNETT of Freeport
- JONES of Bar Harbor

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-475).

Signed:

Representatives:

- PLOWMAN of Hampden
- NASS of Acton
- MADORE of Augusta

Comes from the House with the Majority OUGHT NOT TO PASS Report READ and ACCEPTED.

Which Reports were READ.

Senator MILLS of Somerset moved that the Senate ACCEPT the Majority OUGHT NOT TO PASS Report, in concurrence.

On motion by Senator MILLS of Somerset, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

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

Senator BEGLEY: Thank you, Mr. President. I will vote against the motion for the obvious point that as a parent in a situation such as this I would hope that there would be 100% involvement. I'm reading what's wrong with mandating parental involvement. "Such laws lead to more distress and family violence". That is possibly true and you can probably prove it by fact. But it isn't proven, necessarily, at times that notification either before or after the fact, and I would accept notification even after the fact, because then I, as a parent, would certainly wish to be able to work with members of my family. I am not interested in a consent law. I am a person who, as you know, believes in choice. So, this notification is not a consent law. They will tell you that there is already a consent law on the books, and yet it is skirted around. It says here it will "force teens to endanger their health". That's very likely. "Intimidating public court system", that is already on the books. It is not in the notification law, it is in the consent law, it is already on the books that there has to be a certain amount of consent from somebody, skirting around parents, and I am not in favor of that. "Do not increase parents involvement", I would hope that such a thing as this would in that respect. I am of the opinion that the young person, or adult woman, has the right of choice. I wouldn't take that away from her. The minor child, I would ask, definitely, that there be more parental involvement in that, and I think this bill tends to do that. Will it satisfy everything? No, however, as a side issue, I would also say to those of you who are speaking today for the choice issue, please listen to those echoes that are up there in the ceiling that there was no choice in three or four other bills that were presented to us this year. They did not have the effect, or the potential effect, that this situation does have. Yet you are telling me today that as a parent I should not ask for parental notification, either before or after. I find that rather strange because I hope, and you can call me a pie in the sky parent, I hope that I have that right to know what is happening to my minor child. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Mills.

Senator MILLS: Thank you, Mr. President, Members of the Senate. Maybe I should begin by just reflecting on the fact that there are certain issues that crop up over and over and over again, every two years that members of this body are elected to come back and consider important social issues. It's interesting to look back at the record of the Senate from ninety or a hundred years ago. The hot issue at the turn of the century was something called recommissioning, which was a word that doesn't mean anything to us today, but what it meant was the repeal of Maine's temperance laws. Every biennium there was a huge floor fight with lengthy speeches about the advisability of repealing Maine's anti-liquor laws. That debate eventually passed into history. In our age the debate is one over abortion and restrictions on the right of abortion. This debate came to a head in the Maine Legislature in a very significant way in 1989. The Judiciary Committee at that time was chaired by two men who had a laudable public hearing. The issue was parental notification, parental approval, adult involvement,

all of the issues that are addressed in some measure by the bill that is now before you. The law that they structured in 1989 was fought out over many, many hours of negotiations and drafting and redrafting and compromise. It resulted in a bill that is now the law of this State and has been the law of this State for six years. It is a law that does not require, by its terms, parental notification, but it does encourage parental involvement and parental notification and it does require adult involvement in different ways. The law that was structured in 1989 was a compromise that made neither side of the issue particularly happy, but it is a law that has been used now by many other states as a model of how to reconcile these very troublesome social issues. It is a law that has worked very successfully here in the State of Maine for the last six years, at least we were so informed by many, many people who testified at the public hearing that we held earlier this year.

My concern at this stage is that if we should pass the bill that is now before you, it would upset the delicate compromise that was so successfully achieved in 1989 and has worked so well since then. For that reason, I don't need to go into all of the substantive reasons pro and con, because you have been flooded with colored literature that gives you both sides of the issue, and I'm sure you have read it, but for the reason that this body dealt with the issue so intelligently in 1989, I have neglected to tell you the end of the story. The report out of the Judiciary Committee at that time was twelve to one. One of the co-Chairs refused to go along. That remaining member, the thirteenth member of the Judiciary Committee showed up in tandem with his former co-Chair at our public hearing, and he said I am now of that view. So, this bill that we now have, the law that we now have on the books represents, in retrospect, a thirteen member consensus vote of the Judiciary Committee of 1989. I, for one, respect deeply the work of that Committee and the people who were on there at that time. For that reason, among many others, I urge you to vote in favor of the pending motion. Thank you.

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

Senator **HARRIMAN:** Thank you, Mr. President. Good morning Ladies and Gentlemen of the Senate. I rise to encourage you to support my good friend and colleague from Somerset, Senator Mills. I do so because of two very special people in my life. Their names are Jocelyn Burrill and Madeline Caron, my two daughters who I love very dearly and have a very special and loving relationship with. On the surface you would think that I would want to oppose the pending motion because if something ever happened to them, or if they were faced with a question that is so very personal that I would want to be involved. I am convinced that the relationship I have with Jocelyn and Madeline would include me in their decision. But a few years ago I had the opportunity to walk the streets of Portland and to go into some of the resource centers and to talk with some of the very people who don't have a father like Jocelyn and Madeline do. These are the people who are not living at home, who are in harm's way in many ways. What I discovered that day was that not every home has a

present and loving parent, and not every person who is not living at home is doing so voluntarily, but sometimes out of fear, out of necessity, and indeed, out of neglect. This bill, if it passed, would just add to that unbearable situation for many youngsters. I am confident, as the Senator from Somerset, Senator Mills, stated, that there is adult involvement in this decision, and that satisfies me and I hope it will satisfy you. Thank you Mr. President.

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

Senator **PARADIS:** Thank you, Mr. President, Men and Women of the Senate. It is, indeed, very unfortunate that this whole issue has been broken down with rhetoric from politicians, usually, especially at the national level, whose own lives are sewers, who are the ones who abdicate for a pro-life position. If you come to the Saint John Valley you will see that most of our cemeteries are located on the choicest pieces of real estate because our dear departed ones are honored in death. We honor from conception to death. That's why we have worked very hard, at mom's knees, to teach children about the sacredness of life. It's unfortunate, like I said, that it has oozed into the public arena where it really has no place. I will be voting against this bill because we, in many areas of the State of Maine, the parents have done a great job and will continue to do so. We are essentially driving a wedge between that relationship.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Cassidy.

Senator **CASSIDY:** Thank you, Mr. President, Men and Women of the Senate. I rise this morning to speak to you about this issue more as a parent than as an elected member of this body. I have had the opportunity, my wife and I, to pretty well raise four children. We have three older boys and a teenage daughter. Of course all these issues, as parents, mean a lot to us. I also have my oldest son who has been teaching for three years. I told him, when he got out of college, that I was breaking his dinner plate. I thought that would end it, but it doesn't work that way, you still continue to give them advice. The thing is, over the years, raising the boys, and now my daughter, the issues would come to us. I remember that one of my son's decided that he was so proud of his Irish heritage that he wanted to have a shamrock tattooed on his shoulder. We discussed that for a while, and if you ever see him with his shirt off, he won out. I'm saying something as simple as that, he came to me and said, "Dad, I'm going to do this." and we talked about it. There are other issues like what college they would go to, what would they major in, why they were doing so bad with their ranks, issues as simple as that that are big issues to kids who are thirteen or fourteen or seventeen or nineteen years old. I think it's pretty sad that if my daughter should come to the situation where she is considering having an abortion, and that very well could be the final decision, who knows, that she couldn't come and discuss this with me. Also, some of the things I have read about folks who have had abortions, it's something that they live with for the rest of their lives and if they can't

share that with their parents, even if that is the decision, I think it's pretty sad that we can't have a bill that would allow me, as a parent, and my wife to talk with my daughter if we needed to make those decisions. Obviously, I will be supporting this bill and I hope you folks who have children will think about some of the issues that you have dealt with with them over the years, and I hope you don't vote for this bill. Thank you.

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

Senator **McCORMICK:** Thank you, Mr. President, Men and Women of the Senate. I have to disagree with my good colleague from Washington County, Senator Cassidy. I don't believe that this whole arena is an area where government should interfere, nor where government is effective at interfering. All we have to do is look at a couple of states in this country who have tried passing requirements that both or one parent be notified, that would be Minnesota, and see if it accomplished the goals that any of us would want accomplished. I think we might even all agree on what we might want accomplished in this whole debate, and that would be one, that kids talk to their parents more about these kinds of issues, and two, that there be a reduction in the number of teen pregnancies and hopefully then a reduction in the number of abortions. There was a study done of Wisconsin and Minnesota, since they are so close together, Minnesota having a parental consent law and Wisconsin not, and the study was done in 1984 by Blum and Stark. They found, in both cases, that the law had absolutely no effect on increasing communication between children and parents. I want to just read a paragraph from an article about this study. "When we assess the behavior of adolescents in the two states," that's Minnesota and Wisconsin, "we found that there was no significant difference in the proportion of those who notified one or both parents versus the proportion of those who notified neither parent. The reasons for not notifying a parent were striking." They studied these reasons and they itemized them, and they were, "One, fear of abuse. Two, threats to their fragile family system. Three, adolescents who have never known their father due to desertion or divorce." So, we come to our situation. We are informed by the past experience of Minnesota and Wisconsin, and what has been shown there is that parental consent laws do not work. It does not work for government to order children to talk to their parents.

Maine has taken a different tack, as was so eloquently described by Senator Mills from Somerset. We have said, and we have all agreed that yes, young people need the guidance of a caring adult in these decisions. That is what our law reflects. Generally we change laws because there is a problem with that law, or there is a danger in what that current law proposes, but at the hearing in May on this bill there was not one piece of testimony indicating that Maine's adult involvement law is not working. So, I again reiterate, government cannot and should not attempt to mandate parent and child communication. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Benoit.

Senator **BENOIT:** Thank you, Mr. President. May it please the Senate. This whole issues boils down, simply, to this, as far as I am concerned. A parent should be involved in the important issues concerning their children, not because government decrees it so, but because there is a positive relationship between the two, and you can call it love if you want to. I'll just suggest this, if there is a lack of this positive relationship, love, you won't be involved, and maybe you shouldn't be.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **MILLS** of Somerset that the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

A vote of Yes will be in favor of **ACCEPTANCE**.

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: **ABROMSON, AMERO, BENOIT, BUSTIN, CARPENTER, CLEVELAND, ESTY, FAIRCLOTH, FERGUSON, GOLDTHWAIT, HARRIMAN, LAWRENCE, LONGLEY, McCORMICK, MILLS, O'DEA, PENDEXTER, PINGREE, RAND, RUHLIN, SMALL, and the PRESIDENT, Senator BUTLAND**

NAYS: Senators: **BEGLEY, BERUBE, CAREY, CASSIDY, HALL, HANLEY, HATHAWAY, KIEFFER, LORD, MICHAUD, PARADIS, STEVENS**

ABSENT: Senator: **CIANCHETTE**

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **MILLS** of Somerset to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act Concerning the Posting of Political Signs"

H.P. 992 L.D. 1403

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-459)**.

Signed: