

MAINE STATE LEGISLATURE

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Ledwin, Lemoine, Lessard, Lovett, Mailhot, Marley, Mayo, McDonough, McGlocklin, McKee, McKenney, McLaughlin, McNeil, Mitchell, Murphy T, Muse C, Muse K, Nass, Norbert, Norton, Nutting, O'Brien LL, O'Neil, Peavey, Perkins, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Simpson, Skoglund, Smith, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tracy, Twomey, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

NAY - Andrews, Annis, Berry DP, Bouffard, Bowles, Buck, Bumps, Carr, Chase, Chick, Clark, Clough, Cote, Cressey, Davis, Desmond, Duncan, Duprey, Foster, Glynn, Haskell, Kasprzak, Lundeen, MacDougall, Madore, Matthews, Mendros, Michael, Michaud, Morrison, O'Brien JA, Paradis, Patrick, Perry, Pineau, Pinkham, Shields, Snowe-Mello, Stanley, Tobin J, Trahan, Treadwell, Tuttle, Waterhouse, Weston, Wheeler EM, Winsor, Young.

ABSENT - Ash, Bagley, Baker, Brannigan, Brooks, Bunker, Dugay, Goodwin, Landry, Marrache, McGowan, Murphy E, Stedman.

Yes, 90; No, 48; Absent, 13; Excused, 0.

90 having voted in the affirmative and 48 voted in the negative, with 13 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act to Ensure Safety and Health Standards in Outpatient Medical or Surgical Facilities" (H.P. 1034) (L.D. 1391)

Signed:

Senators:

RAND of Cumberland
McALEVEY of York
FERGUSON of Oxford

Representatives:

LaVERDIERE of Wilton
BULL of Freeport
JACOBS of Turner
MITCHELL of Vassalboro
MUSE of South Portland
SIMPSON of Auburn

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-233)** on same Bill.

Signed:

Representatives:

MADORE of Augusta
WATERHOUSE of Bridgton
SHERMAN of Hodgdon
MENDROS of Lewiston

READ.

Representative LaVERDIERE of Wilton moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The **SPEAKER**: The Chair recognizes the Representative from Newport, Representative Kasprzak.

Representative **KASPRZAK**: Mr. Speaker, Ladies and Gentlemen of the House. I would request, first of all, that we get a roll call when the vote is taken. I hope that all of you have taken out this bill and actually read it, LD 1391. It simply says that a facility, not part of a hospital in which abortions are performed, is an ambulatory surgical facility as defined in Section

303 and subject to all licensing and inspection requirement and standards applicable to ambulatory surgical facilities. Presently, places that perform abortions are not subject to health and safety standards the same as other facilities, which perform medical procedures. I know, you are as amazed as I am.

There is a portion of the statute that exempts abortion facilities. My question is, after my many years of hearing the pro-abortion side of the argument is that we pro-life people want to throw women back out into the alleys to have their abortions with a coat hanger where it is dirty and unsafe and there is no one to rescue them should there be an emergency. Ladies and gentlemen, I submit that the same thing can go on right here in Maine under the sanctioning of the state. If pro-abortion people really want women to be safe, then it occurs to me that this would be a no brainer. Obviously, we would want the best for the women of the State of Maine to have this procedure, which at present is legal, much to my dismay, but it is so. If they are to have the procedure, then certainly it ought to be in the safest way possible.

You will receive a lot of paperwork on your desk tonight and I am sure that many of you have been accosted by lobbyists in the hall for the last couple of days. I have seen them everywhere talking to women about why this bill is unnecessary. They said in testimony before the Judiciary Committee on the day this public hearing took place that the main reason for not supporting this bill is because it will cost too much money. That is it. Ladies and gentlemen, there is a fiscal note on this bill and there is no money attached. There is no reason that women shouldn't be receiving safe abortions. They have called it a financial attack. It is a trap. Don't fall into it. They just don't want women to have abortions and this is their way of preventing it. This won't prevent one abortion in the State of Maine. Ladies and gentlemen, it will simply keep them as safe as they can possibly be. It is not the safest procedure in the world. There are complications. I would like to keep those complications to a minimum.

Family planning said in their testimony that while claiming to make the abortion procedure safe for the reality of LD is that the additional regulations will do nothing to enhance the standard of care for women. What they will do is single out abortion providers for more stringent and costly regulations than currently applied to other comparable medical procedures. My question is, what are those comparable medical procedures? Secondly, legal abortion is one of the safest surgical procedures in this country. Less than 1 percent result in complication. That comes from some pro-abortion survey across the United States. I wonder how we fit into that average. Secondly, I would say, how do we know since we don't keep accurate abortion statistics in the State of Maine currently, which I hope you will vote to change later on.

The Maine Medical Association says and has said in their testimony before the Judiciary Committee that the determination of the medical need for an effectiveness of a particular medical procedure must be left to the patient and her physician acting in conformity with standards of good medical care. My question is for them, then why not support this wonderful LD?

Ladies and gentlemen, I would just plead with you tonight to make a very honest vote and support this LD that will simply ensure health and safety standards in abortion clinics for the women of the State of Maine.

Representative **KASPRZAK** of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Lewiston, Representative O'Brien.

Representative **O'BRIEN**: Mr. Speaker, Men and Women of the House. This is not a bill to help women. This is a bill to make it more complicated for women to get the regular medical procedure of abortion. Abortion providers are already provided with very strong regulations from the federal level, the county level and the city level. This is a harmful bill. It will be harmful because although abortion is legal, what this bill will do is limiting the providers. It is like if I say to you, go out and buy a new Chevy, however, I think there is somebody selling them in the State of Maine, but I am not sure. You would say to me, well, in fact, it is almost impossible for me to get a new Chevy. This is a similar bill that would limit the number of abortion providers. What it will also do, and believe me this is extremely harmful, it would be providing information on the abortion providers themselves. It is just like putting a red light in front of those areas, like come here, come here. I would say to you that this is not going to be helpful to women who need this legal procedure. It would limit them being able to get it. The other thing that happens when there is this negative connotation towards this approved medical procedure is that women will delay going for the procedure. Additionally, by putting in these new standards, it will up the cost for them to receive the procedure. I hope any of you that are either 20, 30 or 40 years old would realize, not like myself who is past the time, that this is an absolutely bad bill. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Manchester, Representative Fuller.

Representative **FULLER**: Mr. Speaker, Ladies and Gentlemen of the House. I want people to understand that I am not pro-abortion, but I am pro-choice. There is a difference in the meaning of those terms. This bill, LD 1391, does attempt to license all offices where abortions are performed as ambulatory surgical facilities. This is an attempt to further inhibit physicians from offering abortion services, thereby restricting access to abortions for many Maine women. Physician's offices already provide a variety of surgical procedures. They do vasectomies, sigmoidectomies with biopsy, breast biopsies, circumscisions and a variety of other surgical procedures. The physicians are licensed by their medical boards. The physician's offices are clearly, by statute, exempt from being ambulatory surgical facilities. I submit that places where abortions are performed are also considered as physician's offices and are not subject to the requirement for ambulatory surgery facilities.

If the bill was passed, the physician would have to determine whether or not he needed a CON to be an ambulatory care facility in the first place and then they would have to provide all kinds of equipment that is not necessary for these procedures, cardiac defibrillation, tracheotomy, a recovery room and a waiting area separate from the room in which the procedure is done. There are a whole bunch of application processes and annual inspections. The regulator burdens, as required by this bill are unnecessary and appear to only serve the purpose of inhibiting physicians from abortions to their patients. We already have very few counties in Maine that provide abortion services. It is causing some serious access problems for many women in the State of Maine. Almost half of the women having abortions beyond 15 weeks say they were delayed because of problems affording, finding or getting access to abortion services. The medical risks associated with abortion increase significantly after 16 weeks. As was already noted by the previous speaker, LD 1391, will identify abortion providers through the certificate of need and annual inspection processes and places them at risk for anti-choice extremist attacks. Medical professions who

provide abortion services already do so at the risk of their safety and to the safety of their families.

Ladies and gentlemen, I urge you to support the pending motion Ought Not to Pass. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Newport, Representative Kasprzak.

Representative **KASPRZAK**: Mr. Speaker, Ladies and Gentlemen of the House. I just have to address a few things before we go ahead and vote. Many pro-choice, I consider myself pro-choice because I believe a woman has the ability to make a choice, it just comes before the abortion, have accepted the fact that abortion is legal in the State of Maine. Many of us have gone ahead and done what we could do on side of things to make things easier for women. Many of us, including myself, have worked in crisis pregnancy centers where we are able to give the woman a pregnancy test and if she chooses to keep her child, then we help her out with baby clothes and furniture and babysitting and the list goes on. It is almost endless. Many pro-lifers raise funds for these clinics. Many pro-lifers do what they can for prematurely born babies in comforting them in their entrance into this world. We understand that abortion at this point is legal in the State of Maine.

I have a couple of questions. What price is safety? In many, many occasions this body has determined that workers must be safe. Children must be safe. People riding bikes must be safe. Why shouldn't a woman entering an abortion clinic be safe when she goes through the procedure, which can bring catastrophe on her life? Women have suffered complications from abortion, believe it or not. They have suffered hemorrhaging. They have suffered their womb being pierced. They have suffered death even. Why not keep them as safe as we can as long as this procedure is legal? I don't understand. I guess the question or the comment about this setting abortion providers up for somehow harassment. All this bill will do is set the same health and safety standards as all other ambulatory medical facilities. Some of those safety nets are that the facility must have a procedure, which helps them to get the patient who is injured to an emergency place where she can be attended to. Is that a bad idea? I don't think so. It says that they must be inspected by the state like everybody else. Is that a bad idea? I don't think so. It says that the people performing the procedure have to be medical people. Is that a bad idea? I don't think so. I hope you don't think so as well. I hope that you will support this bill. Thank you very much.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 77

YEA - Belanger, Berry RL, Blanchette, Bliss, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Canavan, Collins, Colwell, Cowger, Crabtree, Cummings, Daigle, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fuller, Gagne, Gerzofsky, Gooley, Green, Hall, Hatch, Hawes, Honey, Jacobs, Jodrey, Jones, Kane, Koffman, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lovett, Mailhot, Marley, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Michael, Michaud, Mitchell, Murphy T, Muse C, Muse K, Nass, Norbert, Norton, Nutting, O'Brien LL, O'Neil, Patrick, Peavey, Perkins, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Shields, Simpson, Skoglund, Smith, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tracy, Twomey, Volenik, Watson, Wheeler GJ, Mr. Speaker.

NAY - Andrews, Annis, Berry DP, Bouffard, Bowles, Carr, Chase, Chick, Chizmar, Clark, Clough, Cote, Cressey, Davis, Duncan, Duprey, Foster, Glynn, Haskell, Heidrich, Kasprzak, Lundeen, MacDougall, Madore, Matthews, Mendros, Morrison,

O'Brien JA, Paradis, Perry, Pineau, Pinkham, Sherman, Snowe-Mello, Stanley, Tobin J, Trahan, Treadwell, Tuttle, Usher, Waterhouse, Weston, Wheeler EM, Winsor, Young.

ABSENT - Ash, Bagley, Baker, Brannigan, Bunker, Fisher, Goodwin, Hutton, Landry, Marrache, Murphy E, Stedman.

Yes, 94; No, 45; Absent, 12; Excused, 0.

94 having voted in the affirmative and 45 voted in the negative, with 12 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act to Require Parental Notification of Abortion"

(H.P. 1125) (L.D. 1494)

Signed:

Senators:

RAND of Cumberland

McALEVEY of York

FERGUSON of Oxford

Representatives:

LaVERDIERE of Wilton

BULL of Freeport

JACOBS of Turner

MITCHELL of Vassalboro

MUSE of South Portland

SIMPSON of Auburn

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-234)** on same Bill.

Signed:

Representatives:

MADORE of Augusta

WATERHOUSE of Bridgton

SHERMAN of Hodgdon

MENDROS of Lewiston

READ.

Representative LaVERDIERE of Wilton moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The **SPEAKER**: The Chair recognizes the Representative from North Berwick, Representative MacDougall.

Representative **MACDOUGALL**: Mr. Speaker, Ladies and Gentlemen of the House. As most of you know, I have been married for several years to my wife Pat and we have raised five children. In fact, at the end of June, my youngest will be graduating from high school. As you know, the challenges of parenting are many, but one of the most important qualities we teach our children is the ability to make informed ethically based and balanced decisions. Willing to perceive the consequences of decisions and the following actions they propagate, both good and bad is imperative if they are to participate affectively in the world. Some common examples of this are found in how they spend their money, manage their time for school, activities and work and how they plan for their post high school years. Not all decisions are equal in importance, nor are all decisions appropriate for children to make by themselves. This bill is a reasonable measure that is designed to put someone in the position of proper authority in a minor girl's life so they can help her navigate through what will be the biggest decision of her young life. If this bill were to pass, the parent, relative or judge cannot prevent this young lady from having an abortion. It merely provides an opportunity for a sometimes scared, uncertain young lady to have guidance from those who care the most about her.

There are several reasons I would like to deposit to the body tonight for passing this. First, there is the inconsistency in our laws. She cannot be given an aspirin at school without parental approval. She cannot be dismissed from class without parental approval. There are report cards and other assessment tools provided to the parent with knowledge of her academic progress. She cannot go on a field trip without written permission from a parent. Additionally, labor law is very stringently drafted to protect children from harm. If they work too many hours, their schoolwork will suffer, their health will be impacted and the chance of injury on the job increases. These decisions are made for young people because they are not mature enough to make proper judgment in all things and that is the way it should be.

Second, minor girls who have secret abortions are, in actuality, having a surgical procedure performed. If complications arise, they cannot receive treatment for these complications without parental approval. This is incredible. A minor girl can get an abortion without parental knowledge, but cannot receive medical treatment for the complications that may arise without parental approval. Why should a minor girl be able to have this particular surgical procedure performed without parental notification when virtually all other medical arenas require parental approval?

Third, when young people make the large decisions in their life, i.e., what college to attend, what job to take, how many hours for extracurricular activities and work, etc., it is normal for their parents to guide, direct and suggest appropriate responses to these challenges. If there is a mistake made in these areas, there is usually room to learn from that and make a correction or change direction. In the case of a minor girl's unplanned pregnancy, however, the importance of parental knowledge is exponentially increased. This can be a time of crisis for the girl. She may be frightened and not see any alternative to her problem or she may be unaware of better alternatives if she acts unilaterally. Without the opportunity for parental guidance, her decision will be made without the benefit of their wisdom. Unlike a decision she could regret from choosing the wrong college or job, this decision lasts forever. The life inside her will be gone forever. She is at higher risk of emotional damage because of the lack of emotional support of her parents at the most critical time of her life.

I received an e-mail some time ago from a physician some in Maine. I would like to read it to you. "Dear Representative, When it comes to abortion, many legislators do not want to interfere with the relationship between a woman and her doctor. As a physician, I know that abortionists have no relationship with their victims. They often do not talk to them or look them in the eye. They will never see their patient again. As a family physician, I see the aftermath. Abortionists have abandoned every principle that we went to medical school for. Abortion is not a medical decision. It is a social decision. I did not receive any classes or training in medical school on the indications for an abortion. There are none. The abortion industry continues to use medical terms and fictitious scenarios to convince us that legal abortion is necessary.

Terms like woman's health, reproductive rights and pro-choice say nothing about what is at stake. These terms are misleading and false. What is at stake is the life of a child.

I have dedicated my life to preserving human life. Human life begins at conception. The tiny group of cells in a woman's womb is a living, feeling, growing human being!

Abortion poses a serious threat to such a woman's well being. There are many possible medical complications such as uterine perforation, infection, serious bleeding, infertility and missed fetal tissue. These are not that uncommon even in the most careful settings. Abortion increases a woman's chance of