

# MAINE STATE LEGISLATURE

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that family is going through, I bet if they just had a little more time to process and kind of talk through whatever happened, and I have no idea what happened, if they just had a little more time that they would be really appreciative.

You know I see we as a government, we do mandate limits sometimes. We do. We tell people how much they can drink. We tell them how much they can drug or they can't drug. We tell them how fast they can drive. We do put limits at times and so again, I wonder, why the rush? I've heard a few people say, well, if you had this 24-hour limit, then you've got to wait a week, and all of a sudden, it's way down the highway. I'll be honest. My hope in this bill is that if somebody leaves for 24 hours, they're not going to come back, and that's what my prayer is and so I offer that to you. Again, I thank everybody here for the respect we're offering each other and I definitely acknowledge how hard this is. So thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Pilon.

Representative **PILON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I wasn't going to speak on this topic, however the good Representative from Palermo is portraying the Planned Parenthood organization as an abortion clinic, and that is totally a misconception. Planned Parenthood, he would be surprised to learn, is an organization that offers many services to a very diverse group of people. It offers, it is the first line of public services, first for it offers people that don't have the ability to pay services like examinations, a wide variety of examinations that they would not otherwise have the ability to have available to them. It also provides services to men.

Planned Parenthood is available throughout the State of Maine and they charge, if you have the ability to pay, if you have insurance, that's great. If you can pay, pay what you can. If you can't pay, pay what you can. But they also have people that have made donations to the organization and those organizations, those monies that have been set aside will pay for the people that are not able to pay their bills. So it is a very charitable organization. It pays for male and female and it is, in most cases, the first line of medical treatment for both male and female. So I don't want people to feel that it is purely an abortion clinic. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Oxford, Representative Hamper.

Representative **HAMPER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My daughter is 30. She's brought to me my grandson, who is almost six now. My son is 22 and another grandson on the way. I would not have this family if their mothers had chosen an abortion, for we adopted. Just like the Representative from Raymond, my wish, my prayer on this is that a 24-hour waiting period would delay it and that other families can be completed and grown through the adoption process. A 24-hour waiting period before you kill another human being, I think, is a very reasonable request. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Prescott.

Representative **PRESCOTT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm going to read a couple of words to you. The word "suggest" versus the word "require." The word "recommend" versus the word "mandate." The word "ponder" versus the word "must."

It was asked, what would I do? Does anyone in this House have an 18-year-old daughter or a 19-year-old daughter? I do. I have a 19 and a half-year-old daughter and I have a 16-year-old daughter. So what would I do if my daughter were in that

situation? I would suggest a waiting period or more than a waiting period. I would offer to help. I would offer advice, whether it's my daughter, whether it's a close friend, a neighbor, or even an acquaintance that happened to come my way so that they're informed and that they're sure of this very, very difficult decision.

But the fact that government is the one who is making this mandate, they're taking away that right to choose no matter how long it takes a woman to decide what is best for her, the fact that government is the one making this choice is something that I cannot support. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Palermo, Representative Harmon.

Representative **HARMON**: Thank you, Mr. Speaker. I guess I could answer one question of why government would be involved in that situation and the situation is that the child has no one to speak for it sometimes. There are many, many people out there waiting for adoption. That's what government is there for. Government is there to protect life, to protect liberty, to protect private property, and some would say, the pursuit of happiness. That's what it's there for, life. Please contemplate on that. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Minority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 138

YEA - Ayotte, Bennett, Bickford, Black, Burns DC, Burns DR, Cebra, Chase, Clark H, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dow, Dunphy, Edgcomb, Espling, Fitzpatrick, Foster, Fredette, Gifford, Guerin, Hamper, Harmon, Harvell, Johnson D, Johnson P, Keschl, Knight, Lajoie, Long, Maker, Malaby, Martin, McClellan, McFadden, McKane, Morrisette, Nass, Newendyke, O'Connor, Olsen, Parker, Picchiotti, Richardson W, Rioux, Sanderson, Sarty, Sirocki, Theriault, Timberlake, Turner, Tuttle, Volk, Waterhouse, Weaver, Willette A, Winsor.

NAY - Beaudoin, Beaulieu, Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Chapman, Chipman, Clarke, Cornell du Houx, Dill J, Dion, Driscoll, Duchesne, Eberle, Eves, Fitts, Flemings, Flood, Fossel, Gilbert, Goode, Graham, Harlow, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Kaenrath, Kent, Knapp, Kruger, Kumiega, Libby, Longstaff, Luchini, MacDonald, Maloney, Mazurek, McCabe, Morrison, Moulton, Nelson, O'Brien, Parry, Peoples, Peterson, Pilon, Plummer, Prescott, Priest, Rankin, Richardson D, Rochelo, Rosen, Rotundo, Russell, Sanborn, Shaw, Stevens, Strang Burgess, Stuckey, Tilton, Treat, Valentino, Wagner R, Webster, Welsh, Willette M, Wood, Mr. Speaker.

ABSENT - Celli, Gillway, Hanley, Innes Walsh, Lovejoy, Wintle.

Yes, 63; No, 81; Absent, 6; Vacant, 1; Excused, 0.

63 having voted in the affirmative and 81 voted in the negative, 1 vacancy with 6 being absent, and accordingly the Minority Ought to Pass as Amended Report was **NOT ACCEPTED**.

Subsequently, the Majority Ought Not to Pass Report was **ACCEPTED** and sent for concurrence.

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HOUSE DIVIDED REPORT - Majority (9) Ought Not to Pass - Minority (4) Ought to Pass as Amended by Committee Amendment "A" (H-468) - Committee on JUDICIARY on Bill "An Act To Strengthen the Consent Laws for Abortions Performed on Minors and Incapacitated Persons"

(H.P. 1072) (L.D. 1457)

TABLED - June 3, 2011 (Till Later Today) by Representative NASS of Acton.

PENDING - Motion of same Representative to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

Representative CAIN of Orono **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought to Pass as Amended** 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 Lisbon, Representative Crafts.

Representative **CRAFTS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have a bunch of talking points, but I don't really want to read them. I want to just share my heart. Maybe I will read them later.

You know I am a very, very, very blessed man. I want to tell you why. Back in 1983, May 6, 1983, I was a young man with a young wife, a young daughter, two and a half years old. I came over a rise in the road, an elderly man pulled out in front of me, drove me off the road. I woke up with a neighbor taking my helmet off to realize I was paralyzed from the chest down. Sometimes we think in life when things like that happen that it is a tragedy and I can tell you, with God, and you turn to him, there is no tragedies.

I was in the hospital for three and a half months in rehab. Thank God that I had parents that raised me and loved me, brothers and sisters that loved me, friends and family and a pastor that loved me. Because of that love, I got out of the hospital and realized I had a great opportunity ahead of me in a wheelchair. The doctors at the time had told me you can't have children, you can never have children. They didn't tell me once, they told me twice. I grew up as a kid, one thing I always wanted was a big family. I prayed to God that I have only one daughter that I really don't want to raise alone. I learned something, that God will give you the desires of your heart, and he has.

I got out of the hospital, not to keep this story long, but five more children later – five more children. And you know, I was so blown away by God's grace and mercy and love, so appreciated the family that my heart desired, I said I am going to raise them right. I'm not just going to say do this and I not do it, I wanted to live by example, and I do. I can tell you today my kids thank the Lord, love their dad and respect him and come to me openly about every issue. They ask me for wisdom, they ask me for guidance. They hug me, they love me, I love them back. I can't even imagine.

I had three daughters and three sons. I have three adult daughters, one with three grandsons and another one on the way. The second daughter, I have a granddaughter that is three and half, and a 21-year-old daughter. She is just living a wonderful life and a great example. And I'm proud of them, I'm proud of them all.

I can't imagine that this body right here would not allow me to love on my daughter when she came home to say "Dad, I made a mistake. Dad, I'm sorry." You know what I'd do? I'd wrap my arms around her and I'd say "You know something, honey? This is an opportunity. You have three choices, honey, and I love you, I'll support you and I'll love you. You can raise that kid, I'll help. You can give that child up to adoption to somebody that is praying and begging God for a child. Or you can take the decision and terminate it. But you know something, honey? I will always love you. I will always back you up."

I can't imagine. I really cannot imagine. I have such a struggle with this bill, that you wouldn't give me the right as a loving, caring father to have that conversation. And I've heard

the stories. Well, if you raise them right, they'll come to you. Now let me tell you something. My kids love me, they respect me. But you know something? When their boyfriend is their ear and says "You know I know you don't want to tell your dad because he will be disappointed. You know we can go get this taken care of." And that poor girl that is full of emotions, that looks up to her boyfriend and is emotionally attached to him now, is going to be convinced, in many cases, of that young man to convince her to go off and have an abortion and not come to her mom and her dad to have the conversation of love.

Please don't disenfranchise the guy that loves his children and take away the opportunity to love their children and to give them the advice. I am 52 years old. I go to my mom and dad today, and often, to say "Dad, I need your wisdom. I need your experience. That white hair of wisdom, please help me." But we think that we can take a 14 to 15 to 16-year-old daughter and think that she has the capability to get advice from a stranger. Come on, now. I can't believe that this body doesn't understand that. This is simply the most fundamental right of a parent, the basics. Yes we have children that have parents that don't care and we ought to have a process, and this bill has a process for every situation. Would you please give the dads and the moms out there every opportunity to raise their child and give their child advice? Would you please today, I beg you, tonight, to vote in favor of LD 1457. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Biddeford, Representative Rochelo.

Representative **ROCHELO**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The bill before us seeks to make significant changes to the current law regarding consent for minors. My opposition to this bill is that the current law is working. Maine has an adult involvement law which encourages young people to talk to their parents to obtain consent. If young people can't talk to a parent for whatever reason, under Maine's adult involvement law, a young person can obtain consent from a trusted family member, a judge or have additional counseling from an approved counselor. This counseling is in addition to the counseling that is required under Maine's informed consent law. So a minor who chooses an approved counselor will end up having two counselors involved in her decision.

Strangely, LD 1457 eliminated the requirement for counseling for minors and it requires notarized parental consent, so not only will the parents be involved but a public notary is now involved in this very private and personal medical decision. This also violates the doctor/patient confidentiality. Teens would have an option of judicial bypass but the process is burdensome, with a very high standard for teens to meet in order to be granted a waiver of the parental consent requirement. Under this bill, teens must prove by clear and convincing evidence that the notification of a parent or guardian is not in the best interest of the petitioner. The consent requirement would also apply to adults under legal guardianship. Doctors exhibiting reckless disregard for these requirements would be committing a Class D crime, so doctors would be required to establish that any adult woman seeking an abortion is not under legal guardianship and thus not subject to a consent requirement. It is not clear how doctors would meet this obligation. The bill also creates a new definition of abortion specifically for this new section. Current law defines abortion, for all purposes, as the intentional interruption of a pregnancy by application of external agents, whether chemical or physical or by the induction of chemical agents with an intention other than to produce a live birth or to remove a dead fetus.

LD 1457 would create a different definition, solely for the purposes of parental consent. Notarized parental consent

violates the doctor/patient privacy and for those young people whose parents tragically are not good parents, this bill puts those young people in danger. Please reject LD 1457.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Harvell.

Representative **HARVELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm 48 years old and I still don't want to talk to my parents about sex. That said I'm a father of an 11-year-old daughter. I will say that again. I'm a father of an 11-year-old daughter. Last week I had to sign a form for her to go on a field trip. Last week. They can't give her aspirin at school without asking me. Now if she shows up as a teenager and I pray to God she doesn't and expresses that she's become pregnant, the only wrath she will incur from me is my displeasure and maybe my own guilt. But the idea that she could go through this kind of medical procedure without me as her father or my wife as her mother, it's beyond me that you could make this kind of policy decision. Everybody here has some kids and you can think about what they have to do and yet we can pass a law that says this. The parent is one of the most sacred rights any society has and it belongs first to them. I respectfully ask you to vote for the motion.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Kruger.

Representative **KRUGER**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. As a parent and a grandparent I would always want my child or grandchild to seek my counsel on such a life-changing event. I think everyone here would make that statement. Sadly, though, and I know everybody is aware of this, there are minors who are victims of abuse who could not possibly benefit from such an intervention. Finally, I'll just make another point that it is entirely inappropriate for this body or for anyone to insert a third party into the relationship of a young woman and her doctor. Thank you.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Sanborn.

Representative **SANBORN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to read the testimony of Judith Chamberlain, MD, who testified in front of the Judicial Committee on this bill. Judy and I were both part of the Bowden Medical Group at one time, and I doubt she minds me using her work.

Maine's adult involvement law was passed in 1989. Any young woman age 17 or under who seeks abortion must receive: parental consent; or consent from another adult family member; or consent from a judge; and/or counseling from an approved counselor (psychiatrist, psychologist, social worker, ordained clergy member, physician, physician assistant, nurse practitioner, guidance counselor, registered nurse, or licensed practical nurse.)

The counselor must discuss with the minor the possibility of involving her parents or an adult family member. The counselor must also discuss a full range of alternatives to abortion including adoption and parenting, and must inform the minor that the information given is not intended to persuade the minor to choose one option over another. The counselor must provide information about birth control. The counselor must make it clear that the minor may change her mind at any time, and must give the young woman the opportunity to ask any questions and to receive answers to any question asked. Following counseling, the counselor must provide a form signed and dated by the minor that confirms that the counselor has taken all of these steps to fully inform and counsel the patient.

The physician then has the responsibility of ensuring that the minor has given informed, written consent, and received the

information and counseling required by law. Any physician who performs an abortion in violation of this section of law commits a Class D crime, punishable by jail time. Physicians want their minor patients to be informed and supported and have both ethical and legal incentives to ensure that minors are fully informed and fully consent to the abortion. There is no need to add to the current statute.

LD 1457 requires parental consent for abortion with a judicial bypass. Most teens do involve their parents in the decision to have an abortion. In practice, a physician would far prefer parental involvement than not. Parental consent reduces a practice's liability and makes the experience a more positive one for the young person in most circumstances. Unfortunately, not all parents are created equal, and we all know young people whose parents are not capable of providing the love and support that their children need. For these young women, a parental consent law is potentially dangerous. Judicial bypass is not a viable option for most minors. Going to court is both expensive and intimidating, and in my experience, it is very difficult in rural areas to keep a court appearance confidential. Moreover, court proceedings generally take a very long time and will inevitably delay the date upon which a minor can receive an abortion. Like 924, the most practical impact of this law is that Maine will experience an increase in second-trimester or third-trimester abortions. Maine's current adult involvement law is working exactly as it should. Most teens are involving a parent. Some involve another adult family member. And a small number of minors involve a statutorily approved counselor who, under the law, encourages the young person to involve her parents.

Also, recent review of 29 studies of the impact of state parental involvement laws found that the clearest documented impact of the laws is an increase in the number of minors traveling outside of their home states to obtain abortions in states that do not mandate parental involvement. I think the bills have good intentions, but they generally are not doing what they were hoping we would do and I would ask you to support the Majority Ought Not to Pass. Thank you.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Briggs.

Representative **BRIGGS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Listening to the good Representative from Lisbon Falls, Representative Dale Crafts, this has been very difficult for me. I understand he has been very blessed to have the faith and the relationships that he's had in his family, and for me I've had just the opposite and I'd like to share a little bit with you. And I will be brief.

Maine law already requires adult involvement in a minor's decision. No young person is making this decision alone, but some young people don't have supportive parents. For those young people, this bill is really dangerous. If a young person can't go to her parents and in many cases, a single parent, such as mine, she should be able to consult with a trusted adult like a grandparent or an aunt. Or if she can't go to anyone in her family because of abuse, she should be able to go to a trusted adult like a counselor. Under the current Maine law, this can't be the same counselor as the counselor at the abortion clinic who provides counseling. There is an independent person there to support the young woman and be with her for the entire process so that she's never alone.

I was asked to support someone one time that also endured this process. Through the entire experience I was very impressed by the professionalism, care, and support shown throughout the process. As some of you may recall, my very first floor speech back in 2008, I was totally caught off guard by the subject matter very similar to this where I was compelled to share

my story. Back in the '60s and the '70s, these subject matters were hidden in the closet, the family secrets. Youth need the outreach programs that are already in place today. It's working. Clinics are mandated reporters of abuse, so if a young woman goes in for an abortion and she is a victim of abuse, that clinic can work with her and the trusted adult in her life to report the abuse to the proper authorities.

Current Maine law is the best way to protect young people who are victims of abuse, whether it be sexual abuse or molestation. LD 1457 would allow parents who are complicit in abuse to cover that up. With all due respect to the parents who want more involvement in the process, of course this window of opportunity is always there and this is the way it should be. These young women need protection today and every day. They need a place where they can turn to, a place of trust, and it's not always in the home. More times than not, that's where they need the protection from. For me, I couldn't even get my mother to discuss the matter, let alone to think if she needed to engage much more deeply. Some parents can't deal with this emotional trauma. I never had the outreach of opportunity of trust to reach out. Today there are current laws in place to support the young with these issues.

Also, my first instinct from another side of the spectrum, as I am also a notary public, are they going to come to me to ask me to notarize this document, giving final approval to allow a minor to have an abortion? I'd hate to be that notary every time I notarized that document. This is a very private and very personal decision-making process and not to be entered into lightly. They need to feel safe enough to reach out for support and guidance.

I'd like to share with you what my mother said to me after graduation. Later on, a few months later, I became pregnant. I went to my mother and I told her I was pregnant. Do you know what she said to me? "Well, I expected that a long time ago." Again, I never had the love, openness, the sharing that other families do have, and they are very fortunate and very blessed to have that. When I sat down after I gave my floor speech back in 2008, I knew why I was here, why God had put me here. I am one of those people who used to say "Why me, God? Why me?"

As I've shared before, a lot of things have happened in my life as well. Pretty much been there, done that. But today I am very grateful and very blessed to have my faith and being able to turn to God and know that there is a God, a forgiving God, a loving God, and I'm very blessed today and today I know why, why me. I am sharing this with you to hopefully, hopefully help the youth of today and continue to give them the tools that they need to deal with every day's life issues. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Cain.

Representative **CAIN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to this bill and urge us to defeat the motion before us.

There is a quote about women's health care that goes like this: "There aren't 'women who have abortions' and 'women who have babies.' Those are the same women at different points in their lives." I've been pondering those words all day today and they ring clear and true for me on all of the bills we have debated here tonight.

I'm lucky. I have parents who taught me at a young age to be in charge of my own space and my own body. My mother educated me about menstrual cycles and about how babies are made. She taught me from a young age that I was in charge of my body and no one could do anything to it without my permission. My father taught me that all boys are bad and all they think about is sex and the key word is "no." My parents taught me to trust them and to trust myself, and I'm lucky,

because if I had had an unplanned pregnancy in my life I feel confident that I could have had my parents' support and involvement at a level that would have been best for my health. But that's not the case for everyone and that's why I cannot support this bill.

As you've heard, current Maine law provides for adult involvement in the decision for a minor to have an abortion. Consent by a parent, trusted adult family member, judge or approved counselor is required. That is appropriate, that is safe, and it allows for lucky people like me to involve our parents and for those who are not as lucky to have parents as supportive as mine to have an adult involved during that difficult time.

I talk to my dad every single day, at least once or twice, and tomorrow morning when I talk to him on my drive to the State House we will talk about this bill and all of the debate that has gone on here this evening, and I will remind him how lucky I am. And I look forward to telling him that the Maine House did the right thing tonight for young women in Maine by defeating this bill and letting current law to continue to work. Please join me in opposing the motion. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Strang Burgess.

Representative **STRANG BURGESS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. There has been some great respectful conversation here tonight and I want to echo the words of the Speaker in that it's been very respectful and quiet in here, and I think it's moments like this where we all learn a little bit more about each other. Like the story goes that everybody has a story and some people have been around long enough to have all kinds of interesting stories.

I rise in opposition to the pending motion. You already heard a lot of the great points that I was going to make and I guess the only thing I could add would be that I also, like Representative Cain, am very lucky. I had great parents. I wish I could call my dad. I haven't figured out how to get the phone to make that special connection yet. But I had the opportunity to have a mom that was a working mom, which in the '40s, '50s, '60s, was a little bit more unusual. It's funny we've been talking about all of these different gun issues and all of that and I've actually been telling stories about my mother.

My mother is still with us, she is 91 years old, and she actually has been following these bills and wanted to be sure that I stood up for the young women of Maine. She graduated from the University of Maine at Orono in 1941. She went to work for the State of Maine. She worked for the Department of Human Services until she was in her '70s. She was one of the first child custody protective workers covering York, Waldo, and Sagadahoc Counties.

I remember growing up as a little girl in the car we would go down to, I'm not actually sure, we went to Saco or something, and we would get the home for little wanderers, whatever. Young women were giving up their babies and we had foster parents in the Midcoast area, and I used to sit in the front seat and hold the baby. It was long before seatbelts and car seats. She had a bunch of different foster families around, some on farms and all over, and I had a chance to see a side of life, of Maine, that's right there, it's before our eyes if you want to see it, and those young women that are from all sorts of different backgrounds don't have the parents that we and so many people tonight have talked about. This bill and these bills tonight really aren't about us. It's about options for other people who aren't as lucky to have those kinds of parental support.

Most teens voluntarily involve their parents in their abortion decision. You've already heard about the details of this bill and what it would actually do. Most teens that don't involve their

parents have a pretty good reason for not doing so. We know that the more questions and hurdles we put there, these teens and young women make their decisions later into their pregnancy and have other issues that come along, and the spiral starts from there. These issues are so complicated, they are so personal, they are so difficult, and I guess it's just so hard to think that if we wanted our daughter, our child, what we would want them to do.

Well, ladies and gentlemen, you people are all smart involved parents. Not everybody and not every child is that lucky and this certainly isn't a bill to say that they don't have to tell you and that's up to you all as parents. But we know that when we put more hurdles in the way for folks to make these decisions, they tend to not get made. They don't get made timely, they don't get made well, they don't get made smartly and safely.

So I rise tonight on behalf of my mom who is 91 years old, she's going to hate me now, and to say that I did speak up for young women and I hope people will remember there is other ways to do things and that everybody has to have a safe path. I urge you to vote against the pending motion tonight. Thank you.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise and first want to start by just echoing some of the comments in regards to sort of the mood in the chamber. It's very quiet, it seems very respectful, and I appreciate that.

I also rise to recognize the Representative from Lisbon, Representative Crafts, and the Representative from Farmington, Representative Harvell, for speaking on their experiences as a parent. I think for me, I am a parent of two young children, and it's helpful for me to see behavior and strength like that modeled and I appreciate that. You know I look at that whenever I see parents with older children, in just talking about their experiences, I think there's a lot that can be learned from that.

So I'm a father and it's sort of my plan or my hope that when my daughter is old enough and a teenager that she will continue to involve me the way that she involves me today in her life, and that she may involve me in those health care decisions that may arise. I want to believe that all young women will discuss these important decisions with their family. I think there are times and situations where teens just can't talk to their parents, and I know that even though we try, we just can't mandate perfect parenting. That's clear. I'm concerned that we work for this one-size-fits-all government mandate and I feel tonight that that would not not keep my daughter safe.

You know I'm hopeful that my relationship is really the insurance that I need to keep that relationship growing and to keep her safe, but there are many young women, they don't have their parents involved, and that's a real concern and that's a concern about safety and good decisions. I have to say as a dad I support the current law. This adult involvement law encourages family involvement in decisions, providing every young woman with guidance and the support necessary to consider and evaluate options that are available.

I think I'm fortunate enough. I come from a family. I don't talk to my parents every day. I actually get Facebook messages when they read my name in the paper or often they listen in to the chamber and hear debates, and I'm fortunate. I also come from a bigger family and in that bigger family not everyone had the same parents that I did. In some cases, my grandmother was that parent, and I think of those family members tonight. So I encourage people to vote against the pending motion, please. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Crafts.

Representative **CRAFTS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just a couple of things that I wanted to clarify a little bit.

This particular legislation is very similar in 24 other states and the results of it is that 15, 16 and 17-year-olds, that there was a decrease in abortions of upwards of 19 percent, and I do believe it is because that conversation does get to have a chance to happen with their parents and it makes the difference.

Current law in Maine, the alternate adult family member may consent to her abortion could be the person that impregnated the teenager. The attending physician, which is the abortion provider, may secure the informed written consent of the minor and determine that she is mentally and physically competent to give consent. I think this is a conflict of interest. The probate court or a district court may issue an ordering in granting a minor's right to consent or directly consenting to the minor's abortion.

LD 1457 would require a minor in the State of Maine to obtain a parental consent before an abortion, with exceptions. The bill provides that unless the requirement for certain exceptions are met, if a pregnant woman is a minor or an incapacitated person, a physician may not perform an abortion upon her unless, in the case of a minor, the physician performing the abortion must obtain the notarized written consent of the minor and one of her parents or legal guardian.

You know there are situations where illegal or adult men impregnate these underage girls that want to pretend to be the parent or the guardian. In the situations where somebody is very desperate or could have the chance of going to jail, don't think for one minute that this doesn't happen. That's why in this bill, it has the notary part of it.

This bill, 1457, complies with the requirements dilated of the United States Supreme Court constitutional requirement seeking an abortion, to obtain the consent of a parent or guardian provided that there is adequate judicial bypass procedure. This bill does that for the unfortunate family situations.

LD 1457 ensures parents or legal guardians can exercise their fundamental right to be involved in the minor's, the child's, decision regarding an abortion, discussing their daughter's medical history, abortion provided procedures and potential risks and follow-up care essential to the physician's exercise of his or her best medical judgment. This bill is very similar to the existing law except that it tightens up some areas and it allows the parents to be notified. This bill is an improvement of what we have.

LD 1457 prohibits the parents or guardian or other persons from coercing a minor or an incapacitated person to obtain an abortion. Further, a minor or incapacitated person denied financial support by her parents or guardian because of her refusal to have an abortion is deemed incapacitated for that purpose, is eligible for public assistance and benefits.

This bill provides a way for every situation and it also allows an opportunity for the mom and dad – mom and dad – to be involved. I had to give my son Dale written permission to go snowboarding this past winter. You have to have an adult in with your teenage daughter in a dentist's office, has to be accompanied. You have to get permission to give your children Tylenol at school. Thank you for your time again.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Bickford.

Representative **BICKFORD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Representative Crafts has it all right. For any of my four children, to get their driver's license they needed my signature. For any of them to play sports they needed a parent or guardian signature. They

needed a parent or guardian to sign off on their report card, to go on any field trip that they went on. Even when my 14-year-old son broke a neighbor's fence, I needed to be there when the police came to my house to talk to me and let me know what my son did. But yet, I don't have the right as a parent to know if my 14-year-old daughter needs an abortion. It doesn't make sense. We are penalizing 98 to 99 percent of the adults, the parents, to protect a small portion of the young people that this bill protects. Thank you.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Maloney.

Representative **MALONEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to rise to make a couple of quick points. First, if an adult did impregnate a minor, of course under current law that would be a crime, and if that person were to forge the signature of a parent or guardian to give consent for an abortion, that would also be a crime. So we've already criminalized these actions and I don't see that we need to make a change to try to stop something that is already a crime in current law.

I'm an attorney and I have to point out that the standard by which a minor has to prove that she doesn't need to talk to her parents is clear and convincing evidence, and that is really the phrase that is most problematic for me with this bill. Clear and convincing evidence is an incredibly high standard in the law. It is a standard that we reserve for deciding whether or not to permanently remove children, to permanently terminate parental rights in the State of Maine. That decision is made by clear and convincing evidence and to hold a minor to that standard, to have to prove that she should be able to make her decision on her own, it's just an incredibly high standard and that's one that I don't believe is workable.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative **PRIEST**: Thank you, Mr. Speaker. I think it's important to put some of this in perspective as far as the number of abortions that are performed for minors in Maine. Recall that the consent law for minors was enacted in 1989. Our teen abortion rate from ages 15 to 18 went from 30 per 1,000 teens in 1988, down to 12 per 1,000 in 2005. The national rate was 19 per 1,000. So our abortion rate for minors is low.

In 2008, we had only 168 minors who got abortions in Maine. That's out of 1.3 million people. That is an extremely low rate. All three abortion service providers report that more than half of minor parents have involved their parents in their decision. Obviously there are bypasses and those bypasses have been used, but sparingly.

The abortion rate in Maine for minors is low. The parental consent law that we have now is adequate and it's working. There is not a significant problem here and I respectfully suggest that we keep our present law, which was carefully crafted in 1989, and that we vote the present motion down and vote this Ought Not to Pass. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Minority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 139

YEA - Ayotte, Bennett, Bickford, Black, Burns DC, Burns DR, Cebra, Chase, Clark H, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dow, Dunphy, Edgecomb, Espling, Foster, Fredette, Gifford, Gilbert, Guerin, Hamper, Harmon, Harvell, Johnson D, Johnson P, Knight, Lajoie, Libby, Long, Maker, Malaby, Martin, McClellan, McFadden, Morissette, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Picchiotti,

Richardson W, Rioux, Sarty, Sirocki, Theriault, Timberlake, Turner, Tuttle, Volk, Waterhouse, Weaver, Willette A, Winsor, Wood.

NAY - Beaudoin, Beaulieu, Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Chapman, Chipman, Clarke, Cornell du Houx, Dill J, Dion, Driscoll, Duchesne, Eberle, Eves, Fitts, Fitzpatrick, Flemings, Flood, Fossil, Goode, Graham, Harlow, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Kaenrath, Kent, Keschl, Knapp, Kruger, Kumiega, Longstaff, Luchini, MacDonald, Maloney, Mazurek, McCabe, McKane, Morrison, Moulton, Nelson, O'Brien, Peoples, Peterson, Pilon, Plummer, Prescott, Priest, Rankin, Richardson D, Rochelo, Rosen, Rotundo, Russell, Sanborn, Shaw, Stevens, Strang Burgess, Stuckey, Tilton, Treat, Valentino, Wagner R, Webster, Welsh, Willette M, Mr. Speaker.

ABSENT - Celli, Gillway, Hanley, Innes Walsh, Lovejoy, Sanderson, Wintle.

Yes, 63; No, 80; Absent, 7; Vacant, 1; Excused, 0.

63 having voted in the affirmative and 80 voted in the negative, 1 vacancy with 7 being absent, and accordingly the **Minority Ought to Pass as Amended Report was NOT ACCEPTED.**

Subsequently, the **Majority Ought Not to Pass Report was ACCEPTED** and sent for concurrence.

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#### CONSENT CALENDAR

##### First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(H.P. 436) (L.D. 553) Bill "An Act To Reduce Maine's Dependence on Oil" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-572)**

(H.P. 513) (L.D. 685) Bill "An Act To Require Vegetable Gardens at State Prisons" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-569)**

(H.P. 888) (L.D. 1197) Bill "An Act To Amend Standards for Participation in Certain Public School Services by Students Who Are Homeschooled" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-571)**

(H.P. 889) (L.D. 1198) Bill "An Act To Reduce Regulations for Residential Rental Property Owners" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-575)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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

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#### UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-452)** - Committee on **JUDICIARY** on