

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Twenty-Sixth Legislature  
State of Maine

Daily Edition

First Regular Session  
beginning December 5, 2012

beginning at Page 1

**ROLL CALL (#269)**

YEAS: Senators: BOYLE, BURNS, CAIN, CLEVELAND, COLLINS, CRAVEN, CUSHING, DUTREMBLE, FLOOD, GERZOFKY, GOODALL, GRATWICK, HAMPER, HASKELL, HILL, JACKSON, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MASON, MAZUREK, MILLETT, PATRICK, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, TUTTLE, VALENTINO, WHITTEMORE, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALMOND

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senator having voted in the negative, the motion by Senator **CRAVEN** of Androscoggin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Establish the Volunteer Advocate Program"

H.P. 620 L.D. 897

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-462)**.

Signed:

Senators:

CRAVEN of Androscoggin  
HAMPER of Oxford  
LACHOWICZ of Kennebec

Representatives:

FARNSWORTH of Portland  
CASSIDY of Lubec  
DORNEY of Norridgewock  
GATTINE of Westbrook  
MALABY of Hancock  
McELWEE of Caribou  
PRINGLE of Windham  
STUCKEY of Portland

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass**.

Signed:

Representatives:

SANDERSON of Chelsea  
SIROCKI of Scarborough

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-462)**.

Reports **READ**.

On motion by Senator **CRAVEN** of Androscoggin, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

**READ ONCE**.

Committee Amendment "A" (H-462) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act Regarding Informed Consent to an Abortion"

H.P. 511 L.D. 760

Reported that the same **Ought Not to Pass**.

Signed:

Senator:

VALENTINO of York

Representatives:

PRIEST of Brunswick  
BEAULIEU of Auburn  
DeCHANT of Bath  
MONAGHAN-DERRIG of Cape Elizabeth  
MOONEN of Portland  
MORIARTY of Cumberland  
VILLA of Harrison

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Senators:

BURNS of Washington  
TUTTLE of York

Representatives:

CROCKETT of Bethel  
GUERIN of Glenburn  
PEAVEY HASKELL of Milford

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

Reports **READ**.

Senator **VALENTINO** of York moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

On motion by Senator **KATZ** of Kennebec, 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 Oxford, Senator Hamper.

Senator **HAMPER:** Thank you Mr. President. Ladies and gentlemen of the Senate, L.D. 760, An Act Regarding Informed Consent, I would like to just give a little review as far as what current Maine law is on informed consent. We currently, in statute, call for, or demand, that information be given in writing at the woman's request and she will get information on alternatives to abortion. The woman is also informed of the following: that she is pregnant, the number of weeks that have elapsed since probable time of conception, particular risks associated with the pregnancy, and, lastly, abortion technique to be performed. What is proposed in L.D. 760 is that the information be given in writing and orally and the information alternatives to be provided. She will be informed of the name of the physician who is performing the abortion; the description of the procedure to be used, just like in current law; accurate information about the fetus; availability of medical benefits for the woman during and after the pregnancy; the woman's right to see the ultrasound if one is taken and she asks to see it; and the father's liability for that support. It would seem to me, Mr. President, that we could gain far more support for L.D. 760 if we could whittle this proposed language down to just the woman's right to see the ultrasound if one is taken. I'd love to see this motion defeated so we could bring about an amendment to do just that, so that a woman would have the right to see the ultrasound. That and only that. Thank you, Mr. President.

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

Senator **BURNS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise in opposition also to the pending motion. This bill today before you, and a couple to follow it, from my perspective, are three of the most important bills that have come before this Body in this session. I'm ashamed to admit that I have done very little of the needed preparation to present them to you today, even in the posture that they are in. I've seen bills, a couple of them of which I'm deeply involved in, that have been worked since the day we got here in January, right up and through, including today, and will continue until they receive some type of determination from this Body and the other Body, but not these bills. Again, I'm sorry that that's the case. I really am and I feel very remiss because these are of such extreme importance. These deal with a mother's rights and also some rights of the unborn. I put these in the category of more important than energy bills, budgets, cameras, cell phones, and on I could go. You just had an explanation, a very good explanation, of what this bill entails. I think it's important to know the amount of lobbying that goes into these types of bills to keep them from being prominent, keep them from being higher on your radar. I've seen that effort in the committee that these bills were vetted in. To me, the rhetoric this presented blocks out the opportunity to have rational discussions and use common sense to apply to what is being proposed. It seems so that any time that you try to talk about anything that has to do with abortion all the forces come out to combat any discussion that is rational. I witnessed this in the

committee and I've witnessed this in times past when we've had similar legislation. I understand there is money to be made. Just an example, last year Planned Parenthood received over \$7 million between state and federal money in this state as a result of our present abortion laws.

This is about information. This is simply about information that a mother is deserving to have. An example of the information that is consistent with what's being asked for here is required, and if I may, from informed consent. Maine's present law regarding breast cancer treatment, we don't consider that a burdensome thing. Maine law requires that physicians administering treatment to inform patients, and must do so orally and in writing, about alternative procedures or treatments and the advantages and disadvantages. That's a good thing. It certainly would be a good thing if it was my daughter or my wife or me, if I was receiving some other type of treatment. That's what this bill is proposing. I agree with the previous speaker, even if the expectant mother was allowed to see the ultrasound, and that was canonized in our statutes, I think that would be a really great thing. You might say, "Well, they already have that right." Well, maybe they do, maybe that's presumed, but there are cases where that has been denied. I have in front of me the testimony of a 24 year old woman who went in for her examination, getting ready for the abortion, and she asked to see the ultrasound. She was denied that opportunity. This is testimony that was presented to the committee. She was denied the opportunity to see her ultrasound until she had made up her mind. Until she had made up her mind. Wouldn't you, ladies and gentlemen, want to have that information to help you make up your mind? I certainly would. I don't think that's unreasonable. I don't think it's a stretch. I don't think it's sensational. I think it's just reasonable information that the person should be allowed to have.

I find it very interesting that the elements of this bill were polled by a Gallup poll recently in this country. Over 89% of the people polled supported the context of this bill in its entirety, not just the one aspect of the ultrasound but this bill in its entirety. It's all about information. What could be wrong with providing information? It was a very difficult hearing to sit through, as you can imagine, just like all of you in your committees have some easy ones and some difficult ones, to listen to the testimony on both sides. After long, long drawn out testimony and a lot of very poignant stories, there were two very, very poignant stories that I was left with that, to me, summed the entire process up as to what was missing in the equation. We heard from two different mothers, two different mothers on opposite sides of this issue, both of whom had experienced an unexpected pregnancy in their early years. They had to go through that terrible process of deciding what to do, whether or not to terminate the pregnancy or whether or not to continue with the pregnancy. As I said, both of these Moms were on opposite sides of the spectrum. Both made the decision to continue the pregnancy. Both have daughters, one of whom was present in our committee. That sums it all up for me, ladies and gentlemen. I don't know what kind of information was made available to them, but obviously they felt they had enough information provided to them to make that decision. They did so and they both have wonderful, beautiful daughters.

I would ask you to please put preconceived notions aside. Give this its due consideration. Help us to defeat this motion and to go and at least provide women the opportunity not to be denied to see an ultrasound of their child that they are expecting when they request it. Thank you very much, Mr. President.

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Off Record Remarks

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**THE PRESIDENT:** The Chair would advise to all members, and I know we've had long days and will continue to have long days, we must, please, stay on the contents of what bill is in front of us and not be talking about amendments and anything in those amendments that are not in front of us. What we have in front of us is a bill. If we defeat the bill or accept the bill, we can get onto amendments. Let's please stay on the bill that is in front of us. The Chair recognizes the Senator from York, Senator Valentino.

Senator **VALENTINO:** Thank you very much Mr. President. Members of the Senate, I rise before you today to ask you to support the motion on the floor for Ought Not to Pass. I certainly respect and understand that we are deeply divided on this issue. I am only going to try to deal with the facts on this and I also will respect the fact that we have children here and that I hope everybody else will respect that also and tailor their comments appropriately for all the discussions that we are having here today.

As the good Senator from Oxford, Senator Hamper, said, Maine law already requires informed consent for every medical procedure, including abortion, so that a woman can decide what's best to protect her own health and well-being. As the good Senator said, he read through what we currently have in statute now. As you can see, we already provide for informed consent. What this bill intends to do is to add additional provisions which the majority of the Judiciary Committee felt went too far. As far when he said accurate information about the fetus, he left out one word. That was scientifically accurate information about the fetus. Also they are talking about the father's ability to support and the availability of medical benefits. These are doctors. They are not attorneys. They are not social workers. They are not scientists. It went too far. L.D. 760 is government scripting of the doctor-patient conversation. By its scripting, it has the effect of coercing and shaming women. Doctors, not politicians, should decide what each patient needs to hear. We talk a lot about the Constitution and constitutional rights. Every woman has a constitutional right to make a personal decision about what is best for her in consultation with her family, her doctor, her faith, and free from government interference.

I also have a letter here from the Maine Center for Disease Control and Prevention. In addition to the statutes that we currently have in place, informed consent, I'm reading from their letter, is provided as a communication between the patient and physician for any procedure, taking into consideration their individual needs. The Maine Board of Licensure in Medicine, to license and set standards of practice for physicians and surgeons practicing in Maine, has definitions for informed consent. Informed consent for treatment has been obtained when, number one, the physician has disclosed and explained to the patient's satisfaction the process used to arrive at the medically reasonable and recommended intervention, which is based on reliable evidence of expected benefit and risk of each alternative and which is free of any bias. Number two, the patient, who has demonstrated capacity, has been given ample opportunity to ask questions about the process and recommended interventions to

the extent the patient wishes. All questions having been answered to the patient's satisfaction. Number three, the patient gives consent in writing to major interventions agreed to jointly with the physician. Not only do we have informed consent in law, we have the definitions of informed consent through the Maine Board of Licensure in Medicine where all of these physicians are licensed and if they go against this there would be ramifications.

I just want to say we had exhaustive testimony on this. We heard from many many doctors. We had been sitting there all day. I'm only going to quote from a couple of the physicians. One was from a psychiatrist in Portland who does treat women that have gone through this procedure. She is saying that the three tenants of informed consent are that the patient must have the capacity, the consent must be voluntary, and the patient must be provided with the information. L.D. 760 is not necessary because of our legal and ethical tradition of making informed consent already required by the doctor. L.D. 760 contradicts the principle of informed consent by introducing elements of bias and coercion into the process. It would be unethical for any physician to use the informed consent process to attempt to coerce a patient to take a particular course of action based on the physician's own beliefs or the political beliefs of anyone else, including the government. Another doctor wrote, "This goes completely against the respect for the patient, which is a core principle of medicine. The provider working with the patient has an obligation to provide the best professional judgment as to what information is relevant to each individual patient's case. This is done by addressing the patient's concerns, not the government's concerns." I ask you to follow my light and oppose this bill. Thank you.

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

Senator **MASON:** Thank you Mr. President. Men and women of the Senate, 1973 was the year that Roe vs Wade was decided in the Supreme Court. Mr. President, I think there are only just a few of us in the Chamber who can say that they were alive after 1973 but weren't born before it, including you and me and the Senators from Penobscot, Senator Cain and Sagadahoc, Senator Goodall. We've only known legalized abortion. With the ruling of Roe vs Wade, we were promised that abortion would be legal, safe, and rare. Abortion is, indeed, legal and, in fact, in every state. There are some states that require doctors to perform abortions. Many require abortions to be performed before viability. Some have waiting periods. The list goes on and on. However, this legality does not exist void of consumer protection. All of these consumer protections have been deemed legal and constitutional by our Supreme Court. Safe, one could argue that abortion is safer than it used to be. To be honest, in this day and age, with all the lobbying that goes on with this issue and with medical advances, you would think that it is a minor procedure and totally safe. Simple outpatient procedure. We need only to look at the recent Gosnell case in Pennsylvania to know that, in this man's house of horrors, legalized abortion does not guarantee safety. Common sense consumer protections must be in place, even in the era of legalized abortion. I would contend that abortion is not rare. Fifty-four million abortions have been performed in the United States since Roe vs Wade. In Maine we see about 2,000 every year. Americans are split on this issue, as the Senator from Washington indicated, about 45% call themselves Pro Choice and 48% call themselves Pro Life. The

bill before you would strengthen the informed consent law and it lists a bunch of different things in the bill, Mr. President. Maine has a lot of informed consent laws on a lot of different things. The Senator from Washington mentioned breast cancer. I would contend that women deserve the right to know about the decision they are making and have this bill in place when they are talking to their doctor.

The Senator from Washington, Mr. President, also mentioned a woman that appeared before the Judiciary Committee about this issue. I'd just like to read a little bit from her testimony. She found out she was pregnant. Had to come home from school. She was going to school in North Carolina. She said, "When I was called into the examination room I laid on the table thinking, 'Maybe there has been a mistake. Maybe I'm not even pregnant.' The nurse came in with the ultrasound machine and went over what she would be doing; first confirming the pregnancy and then determining the size. It quickly became obvious that there was to be no discussion at all, let alone about options. I noticed the screen was not facing me. As the image came on the screen she stated, 'I see the pregnancy.' 'Well, what exactly does that mean?' I thought. I asked to see what she was looking at but she told me until my mind was made up I was not allowed to see. Not allowed. I thought it was my body and my choice. As the picture printed the nurse faced it down on her clipboard. The entire time there was not even an utterance of the word baby or fetus. She confirmed it was seven weeks old. Told me I had limited time to make a decision. Handed me a slip of paper and I was dismissed. I felt utterly blank as I left the clinic." Mr. President, I would suggest that that ultrasound should have been provided to her at the moment she asked for it.

This bill is simply about the right to know. We, in this Body, have submitted many bills about many things this session asking for the right to know; GMO labeling, cell phones, vaccinations, among other things. Will we extend the right to know to abortion? I hope we do. The Senator from York, Senator Valentino, who I have incredible respect for and she is known in this Body as a very judicious woman who really thinks about an issue before she decides on it and I respect that, mentioned in her testimony just a few minutes ago that this decision is a personal decision that's best for the doctor to make along with their patient. Mr. President, I would suggest that the best way to make a decision, to make an informed one, is with the proper documentation in front of you. An ultrasound is part of that decision making process. That's the part of the bill that I am most interested in. Mr. President, I would just ask that everybody look at this bill on its merits. I accept our differences of opinion and, as the Senator from York mentioned, we're all deeply divided on this subject and we have to have a healthy respect for everybody's opinions and to vote your conscience on this bill. I will just quote one final piece from this testimony that I have in front of me. She said at the end of her testimony, and I would echo her sentiment, "I'm not here because I want you to believe in one view or the other. I am here because I want you to believe in informed decisions." Thank you, Mr. President, for the time.

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

Senator **CAIN:** Thank you Mr. President. Men and women of the Senate, I rise in support of the pending motion, Ought Not to Pass, on this bill. I also rise to correct something that was stated earlier in this debate. It's very important to understand that we're

having this debate on a variety of levels; policy, political, personal. We've got to stick to the facts. The fact is that State dollars that go to Planned Parenthood or any other organization are not used to fund abortions. That is a fact. For the record, Mr. President, I felt it was important to make sure that that was completely clear. Thank you, Mr. President.

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

Senator **GOODALL:** Thank you Mr. President. Men and women of the Senate, I rise today in support of this motion. This is one of the most challenging issues that we face every session. These bills come up every year. It's one that, yes, the country at times is divided on. Yes, there are differences of opinion. I often fall back and think about what I want to make sure happens in the future if my daughter is in that situation, if anyone else's daughter is in that situation, or if any woman is in that situation. Who am I, sitting in this chair, to be opening up a situation where we, as a government, could be opening a door to that bias that could be potentially put into that doctor's room? The bias that was outlined by people that testified, experts in this area. Who are we, sitting in these chairs as policy makers, to be putting ourselves, in essence, in between the patient? Who are we to make an assumption that that woman, at probably one of the most trying decisions of her lifetime, hasn't thought through all the consequences, hasn't done all the research, and hasn't grappled with this decision for hours or for days? Men and women of the Senate, this is not our role as government. Written informed consent already occurs. These decisions are the most trying decisions in women's lives. They are not done hastily. By opening this door, by putting policy into this decision, or to interject politics or philosophical views, doctors do not want this. Patients do not want this. They make decisions. I would encourage all of us to support the pending motion.

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

Senator **BURNS:** Thank you Mr. President. I appreciate the opportunity to speak again on this issue. I am going to respond to a couple of things that were just alleged. First of all, the Legislature has a responsibility of bringing parameters on many aspects of our lives. That's what we're here for. That's why we were elected. That's why people send us here to Augusta, to enact laws and all those laws affect us, impact us, one way or another; good, bad, or indifferent. That's our job. To shrink away from that, as far as I'm concerned, is a malfeasance of office. That's our responsibility. We talk about bias. I sat through all these hearings. I heard lots of bias from physicians who had a bias. I heard biases on both sides. I heard physicians who were against this and physicians who were supportive of this. Bias is there. It doesn't matter whether you are in a doctor's office or whether you are in some other office. Frankly, if you want to talk about bias, ladies and gentlemen, when you are in a clinic, and the clinic only makes money when they perform the procedure, there is bias involved in that process. All I am asking for is as much information as possible so that the difficult decision could be made before it's too late. Thank you, Mr. President.

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

Senator **JOHNSON**: Thank you Mr. President. Ladies and gentlemen, there were a couple of things said here I feel I need to speak to. I am not a physician, but I rather resent the idea that because hospitals, for instance, perform surgeries because dental offices drill teeth, that what I'm going to get when I go into that office is an outcome bias towards performing a procedure that's going to mean more money for that. I'm trusting that, under their oath, doctors are acting in the best interest of the patient. I don't think we really have any other choice but to ask them to do that and expect and trust them to do that. Frankly, if we don't like what a doctor is telling us we consult another doctor, we don't go to the Legislature. I have two daughters. I have three grandchildren. I am wholly in support of life. I'm in support of life in all its stages; after birth in particular, in which we don't seem to pay enough attention to the needs of people. The level of food insecurity in this state is appalling. The lack of proper attention to early childhood development likewise. I know that if my daughters were facing such a choice I would want them to be facing it with their physician, with conformed consent that did not have inserted bias. I would, of course, want them to consult me, but it is their choice. I would never want to change that. I have heard from a number of people in my district on this issue who were here when Roe v Wade was enacted. They called themselves "Grandmothers for Reproductive Rights" or "GRR", because I think they are rather fed up that we are, once again, trying to insert legislators between doctors and patients. I urge you to support the pending motion.

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

Senator **MASON**: Thank you Mr. President. I just rise to say one more thing. By leaving the ambiguity in law that someone, the doctor, has the latitude to not show an ultrasound you are, effectively, putting yourself in between the decision. We just heard from people, we don't want to be legislating this kind of stuff from this Chamber or from the other, from this State House.

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

Senator **JOHNSON**: Thank you Mr. President. Point of order. I believe we do not have a question of whether to show an ultrasound before us, the matter we're considering.

**THE PRESIDENT**: The Chair would, once again, remind the members that we are not talking about any amendments. We're talking about the bill in front of us and the contents within the bill. The member may continue.

Senator **MASON**: Thank you Mr. President. I'd just like to quote Section I of the bill before us. "The woman's undeniable right to see an ultrasound if an ultrasound was taken and the woman's request to see it." I would suggest my comments are in order. I would just finally point out that we are making a decision. We are putting ourselves there. We can either put ourselves in between the decision by not allowing this to happen or we can pass this and take ourselves out of it and give them the information. Thank you, Mr. President.

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

Senator **VALENTINO**: Thank you very much Mr. President. Members of the Senate, I just want to rise to talk about a few issues that have come up. One of them, I certainly understand some people saying that we've lived in a society where abortion is legal and safe. I would like to turn your attention, maybe, to the four women in this Senate who did not grow up in a society where abortions were safe and legal. Maybe some of you who are younger and not born in 1973 or some of you who are younger. Maybe some of you who were just oblivious to the fact. If you talk to, I think, one of the four of us, who were in high school before Roe vs Wade and after Roe vs Wade, it was as if a door opened and light came in. I cannot tell you the difference this made in our high schools with my friends. I remember the women, the young girls, having to go to Biddeford to have their babies. The talk and the scandal. I remember them going to New York. I remember one of my good friends going to New York and coming back to school and being out for two weeks when she had it done and the talk and the scandal. I remember all of this from high school. All of the girls. Every name. Every face. Every one that went away and gave her baby away. Every one that went away and had an abortion. Everybody knew. We all knew. It wasn't safe. It wasn't private. It wasn't dignified. Please don't tell me that we all grew up in an era where this was safe and legal. We didn't and we know what it was like.

As far as having to tell women all of this, I think of one woman who testified, and I also think of my sister who had two utopic pregnancies. My sister cannot watch the commercials on TV for the humane society with the dogs that they show. She literally cries because she is such a compassionate person. If somebody had to shove in her face the procedures when she needed a DNC for those, she couldn't have taken it. I know she couldn't have. To say, "Look, I'm going to describe to you exactly what I am going to do now. I am going to show you pictures." That wasn't right. She was sick. She was in the hospital. She needed this done. I'm not saying to shove anything in anybody's face. We have informed consent. We have that right now. We have enough in statute. We have it under licensing laws for the physicians. We have knowledge. I agree. That one woman came into our committee and she testified that she asked to see it and was told no. There were over 1,700 abortions in the state of Maine last year. We had one that came and said she was denied. I don't doubt her, but I wasn't there. I don't know if she demanded it or if she asked it and somebody said, "You're probably better off not to see it," or how strong or assertive she was. I don't know. I do know she came and she testified and she felt that she wasn't given the consideration, so I have to acknowledge that and validate her feelings. I also know that that was one that we heard. I urge you not to change this law. Thank you very much.

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

Senator  **CRAVEN**: Thank you Mr. President. I just wanted to comment on something that I noticed. I've been noticing it for a long time because I'm not any spring chicken. In this Body we have all males standing to make decisions about women's bodies and about women's health. It's very interesting that they would assume we don't have the ability to make our own decisions

about our own bodies and our own families. I am very disturbed about that. Thank you, Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Waldo, Senator Thibodeau.

Senator **THIBODEAU:** Thank you Mr. President. I want to clear up any confusion. Each one of the individuals in this Chamber were elected by the people that we represent to come here and make informed decisions about the issues that stand before the Body, whether they are male or female. Ladies and gentlemen of the Senate, I don't want anybody in this Chamber to be confused by what we're looking at in this bill. It has been suggested earlier that somehow this forces an individual to look at some sort of ultrasound. I don't believe that's the case. I believe what this bill does is make that available to a patient. Available to this young lady. Whether you are male or female, I would think that would be something that you would want to make sure that your daughter would have available to her. I know I have two young daughters. If they were in this situation I would certainly want them to be able to make that request and be assured that they would have that information made available to them. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from York, Senator Valentino to Accept the Majority Ought Not to Pass Report, in Concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#270)**

**YEAS:** Senators: BOYLE, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, FLOOD, GERZOFISKY, GOODALL, GRATWICK, HASKELL, HILL, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MAZUREK, MILLETT, PATRICK, VALENTINO, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

**NAYS:** Senators: BURNS, COLLINS, CUSHING, HAMPER, JACKSON, MASON, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, TUTTLE, WHITTEMORE, YOUNGBLOOD

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **VALENTINO** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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Senate at Ease.

Senate called to order by the President.

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**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Allow a Wrongful Death Cause of Action for the Death of an Unborn Child"

H.P. 837 L.D. 1193

Reported that the same **Ought Not to Pass**.

Signed:

Senator:  
VALENTINO of York

Representatives:  
PRIEST of Brunswick  
DeCHANT of Bath  
MONAGHAN-DERRIG of Cape Elizabeth  
MOONEN of Portland  
MORIARTY of Cumberland  
VILLA of Harrison

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-447)**.

Signed:

Senators:  
BURNS of Washington  
TUTTLE of York

Representatives:  
BEAULIEU of Auburn  
CROCKETT of Bethel  
GUERIN of Glenburn  
PEAVEY HASKELL of Milford

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

Reports **READ**.

Senator **VALENTINO** of York moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

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**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Strengthen the Consent Laws for Abortions Performed on Minors and Incapacitated Persons"

H.P. 956 L.D. 1339

Reported that the same **Ought Not to Pass**.

Signed:



Senator:  
VALENTINO of York

Representatives:  
PRIEST of Brunswick  
BEAULIEU of Auburn  
DeCHANT of Bath  
MONAGHAN-DERRIG of Cape Elizabeth  
MOONEN of Portland  
MORIARTY of Cumberland  
VILLA of Harrison

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-448)**.

Signed:

Senators:  
BURNS of Washington  
TUTTLE of York

Representatives:  
CROCKETT of Bethel  
GUERIN of Glenburn  
PEAVEY HASKELL of Milford

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

Reports **READ**.

Senator **VALENTINO** of York moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

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The President requested the Sergeant-At-Arms escort the Senator from Sagadahoc, Senator **GOODALL** to the rostrum where he assumed the duties as President Pro Tem.

The President retired from the Chamber.

The Senate called to order by President Pro Tem **SETH A. GOODALL** of Sagadahoc County.

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**Divided Report**

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act To Require Labeling of Genetically Engineered Marine Organisms"

H.P. 621 L.D. 898

Reported that the same **Ought Not to Pass**.

Signed:

Senators:  
MAZUREK of Knox  
WOODBURY of Cumberland

Representatives:  
DEVIN of Newcastle  
DOAK of Columbia Falls  
PARRY of Arundel  
SAXTON of Harpswell  
WEAVER of York  
WINCHENBACH of Waldoboro

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-443)**.

Signed:

Senator:  
JOHNSON of Lincoln

Representatives:  
KUMIEGA of Deer Isle  
CHAPMAN of Brooksville  
DICKERSON of Rockland  
KRUGER of Thomaston

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-443) AS AMENDED BY HOUSE AMENDMENT "A" (H-466)** thereto.

Reports **READ**.

Senator **JOHNSON** of Lincoln moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Lincoln, Senator Johnson.

Senator **JOHNSON**: Thank you Mr. President. This is obviously a bill of great importance to me. I believe strongly, and I think you by now, in the importance of state asserting the state's interest in protecting consumers' right to know to make informed decisions and manage the risks inherent in genetically engineered foods. However, we, as a committee, discussed this quite a bit. The reason for this divided report is, I would say, largely because we felt it was premature in that the genetically engineered salmon discussions, or for that matter any other genetically engineered marine organisms, are not yet approved. They do not yet exist in the market and do not yet have any test data, laboratory animals or otherwise, to assert whether there is that inherent risk. Obviously all of us have the right to opinions regarding that, but in terms of making the argument for the importance, in particular, of the state's interest regarding the constitutionality, it would appear to be premature when it comes to this matter. I am happy to say that, because of the action of this Body and the other Body and I would hope soon final passage as well, that should something