

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Twenty-First Legislature
State of Maine

Volume II

First Regular Session

May 27, 2003 – June 14, 2003

First Special Session

August 21, 2003 – August 23, 2003

Second Regular Session

January 7, 2004 - January 30, 2004

Second Special Session

February 3, 2004 - April 7, 2004

Pages 777-1562

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
SECOND SPECIAL SESSION
6th Legislative Day
Thursday, February 12, 2004

The House met according to adjournment and was called to order by the Speaker.

Prayer by Dr. Stanley A. Moody, North Manchester Meeting House.

National Anthem by Kayla Hopkins, Maranacook Community High School, Manchester.

Pledge of Allegiance.

Doctor of the day, Mark Bolduc, M.D., Waterville.

The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (H.P. 1379)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

February 11, 2004

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under Joint Order S.P. 689, I have appointed the following Representatives to serve as members of the Joint Select Committee on Regionalization and Community Cooperation:

Representative Janet L. McLaughlin of Cape Elizabeth

Representative Philip R. Bennett, Jr. of Caribou

Representative Glenn A. Cummings of Portland

Representative Theodore Koffman of Bar Harbor

Representative Christopher R. Barstow of Gorham

Representative Janet T. Mills of Farmington

Representative Edward J. Suslovic of Portland

Representative Thomas W. Murphy, Jr. of Kennebunk

Representative Anita Peavey-Haskell of Greenbush

Representative Stephen Bowen of Rockport

Representative Joshua A. Tardy of Newport

Should you have any questions regarding these appointments, please feel free to contact me.

Sincerely,

S/Patrick Colwell

Speaker of the House

READ and ORDERED PLACED ON FILE.

Sent for concurrence.

The Following Communication: (H.C. 313)

**SENATE OF MAINE
OFFICE OF THE PRESIDENT
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0003**

February 10, 2004

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under Joint Order S.P. 689, I have appointed the following individuals to the Joint Select Committee on Regionalization and Community Cooperation.

Senator Dennis Damon of Hancock, Chair

Senator Peggy Rotundo of Androscoggin

Senator Chandler Woodcock of Franklin

Senator Kenneth Blais of Kennebec

Please let me know if you have any questions regarding these appointments.

Sincerely,

S/Beverly C. Daggett

President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.P. 691)

**UNIVERSITY OF MAINE
MARGARET CHASE SMITH CENTER FOR PUBLIC POLICY
5715 COBURN HALL
ORONO, MAINE 04469-5715**

February 5, 2004

Joy J. O'Brien

Secretary of the Senate

3 State House Station

3rd Floor, Room 327 State House

Augusta, ME 04333

Re: Maine State Government Summer Internship Program 2003 Annual Report

Dear Secretary O'Brien:

In accordance with 1967 Public Law, Chapter 493, Section 294, Item 8, I am enclosing copies of the 2003 Maine State Government Summer Internship Annual Report for distribution to the Members of the Maine Senate.

The Maine State Government Summer Internship Program is a full-time, 12-week, paid work experience in a state agency. The Program combines work experience with an educational program designed to provide talented Maine college students an opportunity to participate in and contribute to Maine State Government.

Thank you for your assistance in making this report available to the Members of the Senate.

Yours truly,

S/Charles E. Morris

Research Associate

Director, Maine State Government Summer Internship Program

Came from the Senate, **READ** and with accompanying papers **ORDERED PLACED ON FILE.**

READ and with accompanying papers **ORDERED PLACED ON FILE** in concurrence.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Bill "An Act To Extend the Dairy Stabilization Subsidy Through May 31, 2004" (EMERGENCY)

(H.P. 1378) (L.D. 1852)

Sponsored by Speaker COLWELL of Gardiner. (GOVERNOR'S BILL)

Cosponsored by Senator BRYANT of Oxford and Representatives: DUPLESSIE of Westbrook, RICHARDSON of Brunswick, Senators: President DAGGETT of Kennebec, DAVIS of Piscataquis, GAGNON of Kennebec, TREAT of Kennebec, WOODCOCK of Franklin.

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.
Sent for concurrence.

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

ORDERS

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 45)

ORDERED, that Representative Philip R. Bennett, Jr. of Caribou be excused Wednesday, February 11th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Donald P. Berry, Sr. of Belmont be excused Wednesday, February 4th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Joan Bryant-Deschenes of Turner be excused Tuesday, February 3rd for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Paul J. Lessard of Topsham be excused Thursday, February 5th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Lillian LaFontaine O'Brien of Lewiston be excused Wednesday, February 11th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Edward Pellon of Machias be excused Tuesday, February 10th for health reasons.

AND BE IT FURTHER ORDERED, that Representative Thomas B. Saviello of Wilton be excused Wednesday, February 11th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Lois A. Snowe-Mello of Poland be excused Wednesday, February 4th and Thursday, February 5th for personal reasons.

READ and PASSED.

REPORTS OF COMMITTEE

Pursuant to Joint Rule 309

From the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Revise the Reimbursement by the County Jail Prisoner Support and Community Corrections Fund and To Provide Additional Support to County Jails"

(S.P. 390) (L.D. 1186)

Received by the Secretary of the Senate on January 26, 2004, pursuant to Joint Rule 309.

Came from the Senate with the Bill **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-380)**.

The Bill was **READ ONCE. SENATE AMENDMENT "A" (S-380) READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, February 18, 2004.

Change of Committee

Representative CUMMINGS from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Require That Rules Pertaining to Reimbursement for Services for Child Development Services Be Major Substantive Rules" (EMERGENCY)

(H.P. 1218) (L.D. 1641)

Reporting that it be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Sent for concurrence.

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

Divided Report

Majority Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass** on Bill "An Act To Authorize Collaborative Practice for Emergency Contraception"

(S.P. 376) (L.D. 1152)

Signed:

Senators:

BROMLEY of Cumberland
HALL of Lincoln

Representatives:

SULLIVAN of Biddeford
O'BRIEN of Lewiston
PELLON of Machias
SMITH of Monmouth
RECTOR of Thomaston
ROGERS of Brewer
JACOBSEN of Waterboro

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senator:

SHOREY of Washington

Representatives:

DUPREY of Medway
BERUBE of Lisbon
AUSTIN of Gray

Came from the Senate with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

READ.

Representative SULLIVAN of Biddeford moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

On further motion of the same Representative, **TABLED** pending her motion to **ACCEPT** the Majority **Ought to Pass** Report and later today assigned.

CONSENT CALENDAR

First Day

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

(H.P. 1279) (L.D. 1757) Bill "An Act To Clarify the Educational Requirements for Counselor Licensure" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(H.P. 1227) (L.D. 1649) Bill "An Act To Rename the Former Vocational-technical Secondary Education Schools, Now Called Applied Technology Centers, Applied Career Technology Centers" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-685)**

(H.P. 1319) (L.D. 1797) Bill "An Act To Clarify the Standards for Granting a Name Change" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-682)**

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

**CONSENT CALENDAR
Second Day**

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

(S.P. 635) (L.D. 1703) Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

(S.P. 649) (L.D. 1717) Bill "An Act To Clarify Membership on Boards of Directors for Maine Financial Institutions" (EMERGENCY) (C. "A" S-376)

(H.P. 132) (L.D. 173) Bill "An Act To Provide for the Passage of Anadromous Fish Species into the Little River" (C. "A" H-677)

(H.P. 1236) (L.D. 1660) Bill "An Act To Clarify the Law Pertaining to the Discharge of a Firearm near a Dwelling" (C. "A" H-679)

(H.P. 1253) (L.D. 1731) Bill "An Act To Expand the State Fire Marshal's Responsibilities and To Clarify That the Commissioner of Public Safety Will Follow the Maine Administrative Procedure Act when Adopting Certain Rules" (C. "A" H-681)

(H.P. 1264) (L.D. 1742) Bill "An Act To Amend the Laws Regarding Humane Agents and Dog Licenses" (C. "A" H-680)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED AS AMENDED** in concurrence and the House Papers were **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

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

The following item was taken up out of order by unanimous consent:

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 to Pass as Amended by Committee Amendment "A" (H-672)** - Minority (5) **Ought Not to Pass** - Committee on **TAXATION** on Bill "An Act To Adopt a Streamlined Sales and Use Tax Agreement That Allows for Local Option Taxes"

(H.P. 552) (L.D. 746)

TABLED - February 11, 2004 (Till Later Today) by Representative LEMOINE of Old Orchard Beach.

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

Representative CARR of Lincoln **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **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 Auburn, Representative Shields.

Representative **SHIELDS**: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **SHIELDS**: Mr. Speaker, Ladies and Gentlemen of the House. If I read this correctly, this bill has been replaced by the amendment, which is simply for a study of this situation. If that is true, voting for the study is not necessarily favoring an endorsement of the concept.

The SPEAKER: The Representative from Auburn, Representative Shields has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Orchard Beach, Representative Lemoine.

Representative **LEMOINE**: Mr. Speaker, Men and Women of the House. Indeed the legislation before you is simply to authorize the Tax Committee to do a study of the streamline sales tax and see what we would have to do should this state choose to enter into that agreement. It is simply a study that would allow us to prepare an analysis of the advantages and disadvantages that may accompany conformity. I would simply ask you for permission to have that study.

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

ROLL CALL NO. 297

YEA - Adams, Ash, Barstow, Beaudette, Bennett, Blanchette, Bliss, Brannigan, Breault, Brown R, Bull, Bunker, Canavan, Cowger, Craven, Cummings, Dudley, Dugay, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gerzofsky, Grose, Hutton, Jackson, Jennings, Kane, Ketterer, Landry, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, Marraché, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Mills J, Mills S, Moody, Norbert, Norton, O'Brien L, O'Neil, Patrick, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Richardson J, Rines, Sampson, Simpson, Smith N, Smith W, Sukeforth, Sullivan, Suslovic, Thomas, Thompson, Tobin D, Walcott, Watson, Wheeler, Woodbury, Wotton, Mr. Speaker.

NAY - Andrews, Annis, Austin, Berube, Bierman, Bowen, Bowles, Browne W, Bruno, Bryant-Deschenes, Campbell, Carr, Churchill E, Churchill J, Clark, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Duprey B, Fletcher, Gagne-Friel, Glynn, Goodwin, Greeley, Heidrich, Honey, Jacobsen, Jodrey, Joy, Ledwin, Lewin, McCormick, McKenney, Millett, Moore, Murphy, Nutting, O'Brien J, Peavey-Haskell, Rector, Richardson E, Richardson M, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Stone, Sykes, Tobin J, Trahan, Treadwell, Twomey, Vaughan, Young.

ABSENT - Berry, Hatch, Hotham, Kaelin, Koffman, Maietta, Muse, Paradis, Saviello, Tardy, Usher.

Yes, 80; No, 60; Absent, 11; Excused, 0.

80 having voted in the affirmative and 60 voted in the negative, with 11 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-672)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, February 18, 2004. **ORDERED SENT FORTHWITH**.

The following items were taken up out of order by unanimous consent:

SENATE PAPERS

The following Joint Order: (S.P. 693)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Wednesday, February 18, 2004, at 10:00 in the morning.

Came from the Senate, **READ** and **PASSED**.
READ and **PASSED** in concurrence.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-686)** on Bill "An Act To Simplify the Finance Authority of Maine Act"

(H.P. 1288) (L.D. 1766)

Signed:

Senators:

- BROMLEY of Cumberland
- HALL of Lincoln
- SHOREY of Washington

Representatives:

- SULLIVAN of Biddeford
- ROGERS of Brewer
- SMITH of Monmouth
- JACOBSEN of Waterboro
- PELLON of Machias
- AUSTIN of Gray
- DUPREY of Medway
- RECTOR of Thomaston
- O'BRIEN of Lewiston

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Representative:

- BERUBE of Lisbon

READ.

On motion of Representative SULLIVAN of Biddeford, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-686)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, February 18, 2004.

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

HOUSE DIVIDED REPORT - Majority (9) **Ought to Pass** - Minority (4) **Ought Not to Pass** - Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Authorize Collaborative Practice for Emergency Contraception"

(S.P. 376) (L.D. 1152)

Which was **TABLED** by Representative SULLIVAN of Biddeford pending her motion to **ACCEPT** the Majority **Ought to Pass** Report.

Subsequently, the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE**.

On motion of Representative GLYNN of South Portland, the House **RECONSIDERED** its action whereby the Majority **Ought to Pass** Report was **ACCEPTED**.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Glynn.

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this bill. To switch the status of emergency contraceptives from prescriptions to over the counter access without medical examination, physician oversight and the prescription exposes women, teenagers and girls from complications such as blood clots and heart attacks. There are no scientific studies with regards to emergency contraceptive drugs that have been addressed, the long-term effects, the effects of repeated use, the effects on females not counseled or screened for medical needs and on adolescents as required by the Pediatric Research Equity Act of 2003. For all these reasons, I believe this measure is short sighted. Mr. Speaker, when the vote is taken, I request the yeas and nays.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass** Report.

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

Representative DUNLAP of Old Town assumed the Chair.
The House was called to Order by the Speaker Pro Tem.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Biddeford, Representative Sullivan.

Representative **SULLIVAN**: Mr. Speaker, Ladies and Gentlemen of the House. Such a bill as before us today is never an easy bill to talk on. It is always an emotion bill. I doubt if it will ever be different. We had three opponents to this, the Maine Right to Life, the Catholic Diocese of Portland and the Christian Civic League. It is important to note that the Catholic Diocese does not see this as an abortion pill. This is not the morning after bill. This is a large dose of oral contraception. It is intended to use most often for people who have been sexually attacked. Most often that happens on weekends, a little too much to drink or for whatever reason in a sexual attack this offers a place for people to go on a Saturday night or Sunday morning and ask for something to keep them from becoming pregnant.

It is not something you have to do. If your beliefs keep you from going to the pharmacist and receiving this, then that is certainly your choice. By the same token, perhaps we need to offer other people for a variety of reasons, maybe the person who has been attacked, sexually abused by a family member. We need to offer choices. This simply offers a choice and if you are opposed to it, if you are fortunate enough to have a close relationship with your children or your grandchildren, that is wonderful. That is the American way. It is the great American dream, Ozzie and Harriet view. Unfortunately Ozzie and Harriet, the 1950s family, doesn't exist for everybody. This is an option. It is an option for someone to go and get help. That is all it is. I understand, however, it is much more emotional. I hope you can support the Majority Ought to Pass Report. Thank you very much Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waterville, Representative Marraché.

Representative **MARRACHE**: Mr. Speaker, Men and Women of the House. I rise to speak in support of this bill. I wanted to bring up some issues that were recently addressed regarding scope of practice. If you look at some of the information that has been passed out on your desk, you will see that the American Medical Association and the American College of Obstetricians and Gynecologists are accepting of this practice of letting pharmacists go ahead and administer this medication. Trust me when they review a lot of bills that come through, they look to see if they are being out of the loop in this issue. They felt comfortable with it. They also have the FDA approving that this is a drug that could be actually put over the counter. Me, as a physician, I feel comfortable letting pharmacists dispense this. It was also after checking over a checklist that other states who have passed this bill have in their list of questions that they ask and the rules regarding reporting minors who are requesting this medication and reporting it to DHS. I feel very comfortable that they are checking to make sure you are not pregnant or think you are pregnant and that you are, in fact, in need of this and maybe you are not, but if you are not sure and you are young and you are telling them that you are sexually active and they ask you questions, I have found in my own practice that some people think they are having sex when they are not. They are just having heavy petting and it is not the same thing. They would be people you would exclude from giving this medication to.

If we passed this, we would have to make our own rules and guidelines. I am sure that we would be able to make sure if they felt comfortable with the fact that we wouldn't give this out arbitrarily and that it would be done in a very judicious manner. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Medway, Representative Duprey.

Representative **DUPREY**: Mr. Speaker, Ladies and Gentlemen of the House. I rise today in opposition to this bill. I was the only Democrat on my committee to vote in opposition of this bill. I am trying not to bring my religious beliefs into this debate, but basically I have two daughters, I have three children. My oldest is a second year med student at UNE in Biddeford. My youngest is a freshman at St. Joseph's College in the pharmacy program. I asked them their thoughts on this bill. They, like me, are not in favor of this. I spoke to pharmacists in my community, physicians in my community and throughout my entire district. I have yet to find one who would support this for various reasons. I am not convinced that this bill or that this form of contraception or whatever you want to call it, has enough background information that we can comfortably say that it will not cause abortions or that it will not, in the case of those women who are the early stages of pregnancy, but unaware of that, would not cause birth defects on the unborn.

I am not comfortable with that. I have not seen it. Yes, we will hear that it will not. Where is the proof? I haven't seen it. Have you? I hate to oversimplify this, but I feel that this is like giving a blank check. How many of you have asked today to give me a blank check would do so without question or instructions on where to go with that check or how to dispose of it? I don't think any of you would. I can't say as I blame you. I just have serious concerns on the long-term effects of this. I am not comfortable with the fact that this bill would require any type of follow up with the individual. Yes, we can sympathize with those women, regardless of age, who may be caught in situations involuntarily. I can sympathize with those women, but I think to do this is

approaching it in the wrong direction. I ask you for your support and not to vote for this bill. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Gray, Representative Austin.

Representative **AUSTIN**: Mr. Speaker, Ladies and Gentlemen of the House. As we worked with LD 1152 in our Business, Research and Economic Development Committee, I was very impressed with the way in which our members pondered and pursued questions around this "Act to Authorize Collaborative Practice for Emergency Contraception" with an open mind and a great deal of respect and sensitivity to the issue. What may not seem controversial to some could easily have been seen as such to others. I feel that members worked hard to draw lines and focus to be able to represent their constituents to the best of their ability. I would like to share with you what I shared with our committee and the public at the work session as I voted.

With all respect to the testimony given in favor of this being a safe and healthy emergency prescription and procedure, I cannot erase the concern I have with regards to the health and well being of females. Occasionally with the passage of time, it has been found that either a particular medication or a particular procedure has not been the best choice or alternative. However, setting these concerns to one side and drawing a line because it is an approved medication given by doctors and at clinics now, there was one very strong and nagging thought that I could not push to either left or right. That concern centers around the fact that young females, minors down to as young as possibly 12 or 13 years old can receive this prescription at a pharmacy and there will be no parental notification. I have to weigh in for the loving accountable parents whom I know are presently raising young women and who deserve the right to know that this has happened so that they can support their daughter and help her at this time by ensuring her health care in body, mind and spirit.

Parents have such a tremendous responsibility raising their children. They deserve the right to know information as important as this to assist them in meeting their responsibilities. How can anyone expect them to do as they should, if they have no knowledge of something as impacting as this on the future well-being and stability of their daughter? Thank you very much.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Hampden, Representative Duprey.

Representative **DUPREY**: Mr. Speaker, Men and Women of the House. I sat in this chamber many, many times during many contentious abortion debates over the years. I heard many, many times from the other side that reproductive decisions are the choice between the woman and her doctor. I never once heard it was a decision between a woman and her pharmacist.

To anyone who could answer, from the research I have read there are side affects to this pill. If a woman dies or a child dies or is seriously injured by it, is there any kind of recourse? Can they sue the pharmacist? Second of all, would the pharmacist now be required to carry malpractice insurance?

The SPEAKER PRO TEM: The Representative from Hampden, Representative Duprey has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative **BRUNO**: Mr. Speaker, Ladies and Gentlemen of the House. First of all, pharmacists already carry malpractice insurance. That is not even a problem. Second of all, this medication has been around for at least 50 years. In the dosage that it will be provided in this form, it is less than 1/20th of a month's cycle in birth control pills. The side affect profile is very low and I guess that answers both of those questions.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Frenchville, Representative Paradis.

Representative **PARADIS**: Mr. Speaker, Ladies and Gentlemen of the House. I, too, must rise in opposition to this bill. I also have done extensive reading on it. I am not comfortable with any of the guarantees. Some years ago we had guarantees in our effort to reduce medical costs on generic drugs. I have a whole list of people back home and I know it extends beyond my district where generic drugs, especially for the elderly, do not agree. With all due respect to my very good friend, the good doctor from Waterville, I cannot accept the guarantee. Also, I think as I have said before, this is operating from a negative here. Why not promote life. As a school teacher I remember two cases where the family and the community rallied behind very bright students in high school and the family in one case, the parents said that they will raise your child until you get your college degree. She has taken over. It can be done. I forget that we should emphasize all kinds of drugs or medications to either abort or to control. I will vote against this. I encourage you to do the same. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Poland, Representative Snowe-Mello.

Representative **SNOWE-MELLO**: Mr. Speaker, Ladies and Gentlemen of the House. I stand before you today in opposition to this bill. I am going to tell you why. There are many reasons why. I have put a lot of thought and a lot of effort into this bill. I have weighed the pros and the cons. I came up with the decision that this just is not a wise thing to do, not before the federal law goes into practice anyway.

First of all, I would like to answer a comment that the Catholic Diocese does not view this as birth control. Well, I didn't hear that. I do know that they do not support this bill. Marc Muddy who represents the Catholic Diocese, spoke at the luncheon and mentioned that he opposed this bill. In the hallways, Mr. Muddy told me they opposed this bill. I am very proud to tell you that the Christian Civic League does not support this bill. Remember that many of your constituents are members of the Christian Civic League.

I am also terribly concerned and this is an area where most of you have not thought of. That is sexually transmitted diseases. What is this going to do to our efforts? We have been spending a lot of time and energy in the last three years, especially in the Legislature, in teaching our kids to have abstinence, not having activity at such a young age. I am very, very concerned that this is going to go against any effort that we have had to teach our children that STDs are extremely dangerous. As a matter of fact, they are running rampant in the United States in our young people.

That is a terrible concern to me. Remember that many of these diseases are deadly and AIDS is the top one. That is another reason why I do not support this bill. Another is my pharmacy talks to me about every issue out there. They are wonderful. They are great guys. They know I have an open ear to them and they are definitely opposed. I just think it is not right for us to be telling pharmacies to act like doctors. That is not their job. They didn't go to school for this. Yes, they understand the different prescriptions. Yes, they do understand all about that. To me, to counsel a young person, that is not their job. I am asking you to please not support this Ought to Pass and vote Ought Not to Pass. Thank you very much.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Auburn, Representative Shields.

Representative **SHIELDS**: Mr. Speaker, Ladies and Gentlemen of the House. I listened carefully to what the good

Representative from Biddeford, Representative Sullivan, said. This is a drug that is needed for sexual attack. I absolutely agree with that, but it is only part of it. If a woman is sexually attacked, she needs to go have emergency evaluation and care. That usually means going to an emergency facility of some type. That woman needs to be checked for tissue damage. That woman needs to be checked for disease transmission. That woman needs to be checked for psychological damage. They need to be given this medication if they desire.

Unfortunately as good a guy as pharmacists are, and they are good, they don't have these capabilities. I just think this is the wrong thing to do.

On motion of Representative RICHARDSON of Brunswick, **TABLED** pending the motion of Representative SULLIVAN of Biddeford to **ACCEPT** the Majority **Ought to Pass** Report and later today assigned. (Roll Call Ordered)

The House recessed until 1:00 p.m.

(After Recess)

The Speaker resumed the Chair.

The House was called to order by the Speaker.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

HOUSE DIVIDED REPORT - Majority (9) Ought to Pass - Minority (4) Ought Not to Pass - Committee on BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT on Bill "An Act To Authorize Collaborative Practice for Emergency Contraception"

(S.P. 376) (L.D. 1152)

Which was **TABLED** by Representative RICHARDSON of Brunswick pending the motion of Representative SULLIVAN of Biddeford to **ACCEPT** the Majority **Ought to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. I need to stand up today on this bill, being a cosponsor and also being a pharmacist and explaining some things. I have listened to the debate and some of the shortcomings. I feel that there are misconceptions on pharmacists and their training. Most of you probably don't realize that pharmacists go to school for at least six years now. That is six years of pharmacy education. You graduate high school and you go for six years and you come out with a doctorate in pharmacy. It is not like it used to be. I think many of you misunderstand the role of the pharmacist in your community. When I practiced on the bench, it was not unusual for people to tell you their intimate details and I mean intimate details. The reason is they have a relationship with their pharmacist that is very personal. They feel very comfortable talking with pharmacists, especially about the use of medication.

Collaborative practice and pharmacy is nothing new. It has been done for many, many years. I have had relationships with physicians when I practiced that they would just call up and say take care of this person. They need an antibiotic. They need a decongestant. Take care of them. That is a relationship that is built between a physician, a pharmacist and a patient. It is a triangle. You can't do one by yourself. It is really a health care team. That is how I was taught to practice pharmacy in my 25

years of practicing. I think it is misunderstood on what this emergency contraception does. I told some people earlier that in my 25 years of practice I have dispensed emergency contraception in 25 years. Mostly that was for people who were sexually assaulted. That was the main use of emergency contraception. I also have seen 12 year olds on birth control pills whose parents do not know. It is not a pharmacist's responsibility to tell those parents. Those children that would come in had issues at home that go beyond the scope of what we are trained for. We are never going to change that. You can say that we are going to promote promiscuity or we are going to promote transmitting diseases. This is not what this is about. This is about providing emergency contraception when a mishap occurs. Often times physicians are not available on a Sunday or a Saturday, but the pharmacist is there.

There is a protocol. There is training involved in doing this. We have to go through training. It is completely voluntary by pharmacists whether or not they want to do this. If they want to, they will go through training. They will set up a relationship with a physician, a communication with that physician that if they ever dispense this, and it is not going to happen as often as you may think, there will be a discussion about who came in, how old they were, what was the reason. That is what this legislation is about. This is already ongoing in five other states. This is not new. The FDA is about to make this over the counter because that is how safe this product is.

My concern is that if it goes over the counter that people will just come in and buy it without ever talking to a health care professional. I don't think that is right. That is why I am supporting this legislation. I think it is important that people get counseled on how to use this medication, what are the side effects. There are some, but it is so minimal as to almost be negligible. This is not about abortion. This is not whether you are pro-life or pro-choice. That is not what this is about. I ask that you support this legislation. If you have questions, I hope you ask them. I would be happy to provide answers. We have physicians in the chamber. We have pharmacists in the chamber. They can tell you what it is really like to be out there and dealing with people who come in who need access to this type of medication. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative Jacobsen.

Representative **JACOBSEN**: Mr. Speaker, Ladies and Gentlemen of the House. I think there are two things that we are not looking at here and that is the right of a woman or a girl to make the decision on what way her life will go and the right of a possible child that will come into this world unwanted. I have heard no debate here today on what happens with these children. I can tell you the experience of one young lady that was brought into this world. Her mother was 13. For the first three years of her life, she was cared for between her mother and her grandparents and foster care. She was shifted around in and out and abused. At three years old she came into my life as a foster child with cigarette burns, wearing a stretch jumpsuit and you might say, the old expression, you could grow potatoes in her ears, because she was so dirty. It took two years in the system for her mother to release her for adoption. She got to pick a new name and she got to live with us.

I have a wonderful daughter. I am thankful, but I can't help thinking over the years of what happened to her mother who was only 13, whether her life was ruined by this fact or not. I think it is very easy for us to be moralists here and to wave a flag and say how wonderful we are and how concerned we are about everybody, but how many people here have opened up their homes to one of these children that are unwanted. Thank you.

The SPEAKER: The Chair recognizes the Representative from North Haven, Representative Pingree.

Representative **PINGREE**: Mr. Speaker, Men and Women of the House. I want to start by thanking the good Representative from Waterboro and the good Representative from Raymond for their comments. The Representative from Raymond talked about, do we trust pharmacists? Pharmacists have a lot of training and it is clear that they are capable of this responsibility. The Representative from Waterboro just made my exact point. I think the issue here is, do you trust women to make choices about their own bodies and their own lives? I am asking you today to trust women who are teenagers, who are in their 20s and in college, when they are 30 or 40 or 50. This is a women's issue of all ages. I believe that this bill is a pro-choice bill that people who are worried about should also support.

We have some information here that I think is very relevant. Improved access to emergency contraception could dramatically reduce the need for abortion in Maine. For Maine, about 40 percent of unintended pregnancies end in abortion. The American College of Obstetricians and Gynecologists have stated that over the counter status for emergency contraception could reduce the US abortion rate by at least one in every four pregnancies.

I feel very, very strongly about this bill. Women I know have taken emergency contraception. Women you know have probably taken emergency contraception and you don't know about it. People make mistakes. Mistakes happen. Forms of contraception fail. This is the easiest and most convenient and safe way for women to have a choice to prevent pregnancy if they so choose, for married couples and teenagers also.

I think one of the important points that have been brought up today is about women who have been sexually assaulted, abused, raped and a point was made that women who have faced this should go to the doctor. They should go to the emergency room. I think we all agree that this is true, but the Maine Coalition Against Sexual Assault testified in favor of this bill because many women who are raped or sexually abused are afraid to admit it for years. The chances of women actually going to the emergency room on the night that they were abused or raped is not always likely. Emergency contraception, if women understand what it is, is one way to help women who have been in this situation prevent pregnancy and so eventually when they come to the point of being able to talk about this issue, to talk about what happened to them, they will at least be in a situation where they aren't pregnant.

This form of contraception is safe. It will not terminate an existing pregnancy. If a woman is pregnant and doesn't know about it, this will not terminate an existing pregnancy. There are mountains of scientific evidence that prove this. There are no significant side effects. I couldn't think of any more reasons to support this bill. This bill gives women the right to choose how to live their lives, how to protect their bodies and how to make choices about whether or not they want to have children at this time. I think this is an important bill. I ask you to trust women with their own choices and I ask you to support the majority Ought to Pass motion.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Curley.

Representative **CURLEY**: Mr. Speaker, Men and Women of the House. In my mind, this isn't a pro-life or a pro-choice bill. It is not making any judgment on the expertise of pharmacists. I am voting no on this bill because I see it as a patient safety issue. I would like to ask a question. There are side effects to every medication and that is why physicians and nurse practitioners write prescriptions so that they can address any side effects that

a patient might have. If you do have a side effect from taking this medication, is a pharmacist then able to take care of you if you have a problem?

The **SPEAKER**: The Representative from Scarborough, Representative Curley has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Waterville, Representative Marraché.

Representative **MARRACHE**: Mr. Speaker, Men and Women of the House. I will answer that question. They can't treat you, but they can certainly send you in the right direction. Many medications that required a prescription in the past, are now over the counter. You have Prilosec, Claritin and a number of other ones. They all have side effects yet we feel that they have been studied enough and the FDA feels that it is now okay to put it over the counter. This very same pill has gone through that approval process and they are now saying it is safe enough to put over the counter. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Sanford, Representative Bowles.

Representative **BOWLES**: Mr. Speaker, Ladies and Gentlemen of the House. Most of the time when I walk in this chamber there is no question in my mind how I am going to vote on a bill. There has never been a question in my mind on how I was going to vote on bills that deal with the issue that we are dealing with today. I have consistently voted in opposition to abortion and in opposition to any bill that I think would lead in that direction. I have never been so conflicted as I am about this piece of legislation in the six years that I have been in this chamber. I want to publicly thank the Representative from Waterville, Representative Marraché and the Representative from Auburn, Representative Shields and the Representative from Raymond, my good friend, Representative Bruno, because I have sought their counsel and their guidance and their wisdom and their knowledge in numerous discussions on this bill that have dated back over the course of several weeks. I am deeply troubled. I am troubled about a society that has led to an environment that we have to deal with these issues. I am troubled with a society that has led to an environment that we have 13 and 14 and 15 year old girls potentially sacrificing the rest of their lives because in a moment of weakness, drunkenness, foolishness or whatever, they engaged in behavior that was inappropriate for their age.

I am deeply troubled because I don't believe in abortion, except in the most extreme circumstances. It is because I don't believe in abortion and it is because I have come to the conclusion that the young women who have availed themselves of this medication, were they not to avail themselves of this medication, four or five months down the road would be terminating a pregnancy and they would be aborting a fetus, which, to me, is an act that is very troubling. If the use of this medication prevents that from taking place, then I have to ask myself which is the worst here, which is the lesser of the two evils that I see before me?

The last thing I am going to say on this before I push my green light is that just an hour ago I spoke to five young ladies from my community, two of whom I have known since they were small children. Giggly young kids and I have watched them go into graceful, poised intelligent young adults. I posed the question to them, because I respect them and I respect that they have a perception, a view of this that I don't have. When I posed that question to them, they said to me, this is better. This is better than the alternative. That is why I am going to reluctantly vote for the passage of this bill.

The **SPEAKER**: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Mr. Speaker, Ladies and Gentlemen of the House. Mr. Speaker, I was also troubled as Representative Bowles was. I am pro-choice, but I was troubled by this bill because I was scared of young girls getting it into their hands and what could be the consequences. After listening to Representative Bruno and Representative Marraché, I also will be pushing the green light. Thank you Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Waterboro, Representative Jacobsen.

Representative **JACOBSEN**: Mr. Speaker, Ladies and Gentlemen of the House. I left out one thing previously and that is that I did a lot of soul searching on this. I lost a lot of sleep. My final conclusion was that I do support this bill. My support is behind it. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Madison, Representative Ketterer.

Representative **KETTERER**: Mr. Speaker, Ladies and Gentlemen of the House. I rise briefly just to share a couple things with you. I think it is very difficult and really a shame that there are so many young teens that are getting pregnant, but unfortunately it does happen. I think we are a society that often sits in judgment of what other people do. For this reason, I want to tell you a story. I used to work on the Rape Crisis Assistance and Prevention Hotline. I have taken many calls over that line. Most of the calls were from young women, college age, who might have gone on semester break and had a little too much to drink and ended up going a little further than they had hoped, not only those kind of calls, but other calls, the largest form of rape today, date rape. There are a lot of drugs that go into women's drinks so they will succumb to having sex. I really think that this is important legislation because I think it will help many people who find themselves in that situation. There was one call that I had taken when this young lady was on semester break and had sex with a young man, she was graduating that May. Her whole rest of her senior year was very upsetting to her. She called me and she was worried about her parents, telling them. She was afraid that she might have AIDS. She was afraid she might be pregnant. In a way you think she shouldn't have done what she did. The fact was, she did. I don't think it is right for anybody to sit in judgment of what somebody else does. For that reason, I will be supporting this bill. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Medway, Representative Duprey.

Representative **DUPREY**: Mr. Speaker, Ladies and Gentlemen of the House. My apologies for rising a second time. I would just like to draw your attention if you haven't already; I was able to distribute a copy of Marc Muddy's testimony. Hopefully all of you have received it. I would urge you or ask you to review it before you cast your ballot.

The Catholic Church is not fully in favor of artificial contraception. I don't think that is where we want to go with this today. Just review this and make a wise, intelligent and thoughtful vote. I really think there were other issues, underlying issues, that need to be taken into consideration for the long term, not only the female who may be put in unwanted circumstances, but it takes two. What about the young individual or the older individual in some cases and also the unborn. I think we have to consider them. Thank you.

The **SPEAKER**: A roll call having been previously ordered. The pending question before the House is acceptance of the Majority Ought to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 298

YEA - Adams, Ash, Barstow, Blanchette, Bliss, Bowen, Bowles, Breault, Brown R, Browne W, Bruno, Bull, Campbell, Canavan, Churchill E, Churchill J, Collins, Craven, Cummings, Daigle, Dudley, Dugay, Dunlap, Duplessie, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Grose, Heidrich, Honey, Hutton, Jacobsen, Jennings, Jodrey, Kane, Ketterer, Koffman, Landry, Ledwin, Lemoine, Lerman, Lessard, Mailhot, Makas, Marley, Marraché, McCormick, McGlocklin, McGowan, McKenney, McLaughlin, McNeil, Mills J, Mills S, Moore, Murphy, Norbert, Norton, Nutting, O'Brien L, O'Neil, Pellon, Percy, Perry A, Pineau, Pingree, Piotti, Rector, Richardson J, Richardson M, Rines, Rosen, Sampson, Saviello, Sherman, Simpson, Smith N, Smith W, Stone, Sukeforth, Sullivan, Suslovic, Thomas, Thompson, Tobin D, Walcott, Watson, Wheeler, Woodbury, Mr. Speaker.

NAY - Andrews, Annis, Austin, Beaudette, Bennett, Bryant-Deschenes, Bunker, Carr, Clark, Clough, Courtney, Cressey, Crosthwaite, Curley, Davis, Duprey B, Duprey G, Fletcher, Glynn, Greeley, Jackson, Joy, Lewin, Lundeen, Millett, Moody, O'Brien J, Paradis, Patrick, Peavey-Haskell, Richardson E, Rogers, Shields, Snowe-Mello, Sykes, Tobin J, Trahan, Treadwell, Twomey, Vaughan, Wotton.

ABSENT - Berry, Berube, Bierman, Brannigan, Cowger, Goodwin, Hatch, Hotham, Kaelin, Maietta, McKee, Muse, Perry J, Tardy, Usher, Young.

Yes, 94; No, 41; Absent, 16; Excused, 0.

94 having voted in the affirmative and 41 voted in the negative, with 16 being absent, and accordingly the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Wednesday, February 18, 2004.

The following items were taken up out of order by unanimous consent:

SENATE PAPERS

Bill "An Act To Amend the Laws Relating to Property Insurance"

(S.P. 692) (L.D. 1853)

Bill "An Act To Delay the Implementation of Restrictions on Information on Electronically Printed Receipts" (EMERGENCY)

(S.P. 694) (L.D. 1854)

Came from the Senate, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

REFERRED to the Committee on **INSURANCE AND FINANCIAL SERVICES** in concurrence.

SENATE PAPERS

Non-Concurrent Matter

An Act To Amend the Apportionment of Legislative House Districts 76 and 77

(H.P. 1374) (L.D. 1848)

PASSED TO BE ENACTED in the House on February 10, 2004.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-383)** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

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

On motion of Representative LANDRY of Sanford, the House adjourned at 1:44 p.m., until 10:00 a.m., Wednesday, February 18, 2004 pursuant to the Joint Order (S.P. 693).