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out ahead of some scenarios where hospitals simply just refuse to come up with anything and, not feeling any pressure from the government to do so, would result in the same circumstance happening all over again during the next pandemic. And this is not to say that, you know, they have to do it in an unsafe way, but find a way to make sure that people can still have contact with their family and their loved ones as they are in a longer stay in the hospital. We know that a lot of folks were dying from things like depression that didn't have to happen, but they were alone and isolated and in a really bad situation there. And certainly, the case with kids as well, I worry about that scenario playing out as well. And so, what this bill seeks to do and why I hope we can pass it is to try to come up with some state mechanism whereby the hospitals can fall back and point to as to why they do need to come up with some type of way to ensure their patients have the ability to be visited by loved ones, at least one person, something to make sure that they are not going to die in a hospital bed, alone, terrified, depressed, and hopefully have a better outcome overall. So, with that, I'd request a Roll Call and hope that you follow my light. Thank you.

On motion by Senator **STEWART** of Aroostook, 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 Penobscot, Senator Baldacci.

Senator **BALDACCI**: Thank you, Mr. President. I just want to indicate to my good friend from Aroostook that I totally understand and sympathize the individual heartfelt concerns of your constituent and probably many of our respective constituents. But to have the State of Maine tell a hospital or a doctor how they're going to handle an individual patient when there are things like patient-doctor confidentiality, there are certain privacy issues in addition to how are they going to manage that individual person's healthcare, I just think would put the State in a bad position to oversee that, and I think that we need to let the doctor and the patient make those decisions hopefully together. And I understand, you know, there are stories and concerns, legitimate concerns about how certain cases might've been handled, but again, I don't think having the State be the overseer of that will be a plus for anyone.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Majority Ought Not to Pass Report. 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 (#253)

YEAS: Senators: BAILEY, BALDACCI, BEEBE-CENTER, CARNEY, CHIPMAN, CURRY, DAUGHTRY, DUSON, INGWERSEN, LAFOUNTAIN, LAWRENCE, NANGLE, PIERCE, RAFFERTY, RENY, ROTUNDO, TIPPING, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BENNETT, BLACK, BRAKEY, FARRIN, GROHOSKI, GUERIN, HARRINGTON, HICKMAN, KEIM, LIBBY, LYFORD, MOORE, POULIOT, STEWART, TIMBERLAKE

EXCUSED: Senator: BRENNER

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **BALDACCI** of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Protect a Woman's Right to Withdraw Consent for an Abortion" S.P. 330 L.D. 771

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

Signed:

Senators:
CARNEY of Cumberland
BAILEY of York

Representatives:
MOONEN of Portland
KUHN of Falmouth
LEE of Auburn
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-210)**.

Signed:

Senator:
BRAKEY of Androscoggin

Representatives:
ANDREWS of Paris
HAGGAN of Hampden
HENDERSON of Rumford
POIRIER of Skowhegan

(Representative DANA of the Passamaquoddy Tribe - of the House - supports the Minority **Ought To Pass as Amended by Committee Amendment "A" (S-210)** Report.)

Reports **READ**.

Senator **CARNEY** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

On motion by Senator **STEWART** of Aroostook, 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 Androscoggin, Senator Brakey.

Senator **BRAKEY**: Thank you, Mr. President. I rise in opposition to the pending motion as the sponsor of this legislation. I will say, first and foremost, I put this bill in hoping that this might be an issue we find some common ground on, on an issue that is often hotly contested. The legislation before us is simultaneously a pro-life bill and a pro-choice bill. Fundamentally, it seeks to protect a woman's right to choose. In recent years, Congresswoman Cori Bush, a Democrat congresswoman from Missouri, shared a personal story about her experience at the age of 19 as a young woman who was the victim of a forced abortion. According to a report in the Washington Examiner, to quote Congresswoman Bush specifically, she said, 'I thought I was ready, and I went in, and I went through all the steps, because it's almost like an assembly line,' Bush recalled in an interview on Firing Line. 'I was helped up onto the table by the nurse, and I lay there, and I started to think well, one, I didn't tell the father that that was about to happen, and I just felt like I needed more time.' Bush wrote about the incident in her recently released book, the Forerunner. It was her second time getting an abortion. She initially believed that the process would be straightforward, having gone through it before, but then she grew uneasy about it and thought she needed more time. In response to her pleas to scrap the operation, Bush said that a nurse refused to listen and instead directed her to calm down, 'the nurse just wouldn't listen to me, and I said no, I'm not ready. And as I'm saying no, they continued to pull the instruments and get everything ready, and they were just like no, calm down, Bush recalled. She says, I was a young, black woman. Multiple times, I felt like it was oh, well, we know better, you don't know what you don't understand, we know better,' she added. Congresswoman Bush is a powerful person today, she can share this story and be taken seriously. But if it happens to her, it has happened to others. This legislation would simply protect a woman's right to withdraw consent at any time before the abortion is performed. It would require an abortion provider to inform a woman of her right to withdraw consent. And on the occasion that that consent is withdrawn, if a woman's decision is not respected, like Congresswoman Cori Bush's decision was not respected, the performance of that abortion would be a felony-level crime, the same as any abortion performed on a mother and her baby without her consent. It's simply about consent. Thank you, Mr. President.

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

Senator **CARNEY**: Thank you, Mr. President. I just rise briefly to speak in support of the pending motion. First of all, my good colleague from Androscoggin did mention that - or did point out that the story of Congresswoman Bush is her story to tell, and the rendition that we heard today is taken out of context. There's much more to the story and, again, she is the one who should be sharing the story with us. With regard to the merits of the bill, I would just like to point out that - and we do have multiple statutes in Maine that require consent, it's actually required for any type of medical care to be provided, and failure to obtain consent and to practice medicine without the consent of a patient is an assault, it's a Class B crime. If we need some kind of a deterrent, then we already have that available, we have the requirement of consent and we have a deterrent available in law and there's simply no reason for us to pass the proposed measure. I urge you to follow my light.

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

Senator **GUERIN**: Thank you, Mr. President. Ladies and gentlemen of the Senate, this bill is dealing with withdrawing consent. I want to bring that to your attention. If a young woman changes her mind during the procedures, she has already given her consent, but now she's changed her mind, she wants to withdraw her consent. There's not a woman in this Chamber who wouldn't be strong enough to withdraw their consent whether or not the doctor or nurse wanted them to, all of us would be courageous enough to take that stand. But what about a young, perhaps scared, in poverty young woman who changes her mind and doesn't have the confidence that the women in this Chamber have to have their will accomplished but goes instead with the caregiver who is making a profit from the abortion. The caregiver has the incentive to continue because they want the payment. Let's give all women the chance to withdraw consent if they feel it's necessary.

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

Senator **STEWART**: Thank you, Mr. President. Ladies and gentlemen of the Senate, a question I'd like to pose to the Chair, would - in hearing the Senator from Cumberland's remarks a minute ago about kind of the redundancy here, I guess I'd like to be pointed in the direction of the statute that would either outline what consent looks like in terms of medical consent. Of course, if you go to the doctor, you know, one of the first things they're going to make you do is sign a consent to treat form. But does consent in that regard operate in the same context as it would, for instance, like with consent for sexual intercourse, which could be withdrawn at any point in time, and if it later is withdrawn that you no longer have consent. Is there a place in Maine Statute that could be pointed out that delineates that dynamic somehow? Because if not, I think that's the crux of the issue. And maybe there is, and I would hope that there is, but if there's not, then I think this bill probably makes sense to address that, that gap. Thank you.

THE PRESIDENT: The Senator from Aroostook, Senator Stewart, has posed a series of questions through the Chair to anyone who may answer. The Chair recognizes the Senator from Cumberland, Senator Carney.

Senator **CARNEY**: Thank you very much, and thanks to my colleague for the question. I would direct everyone in the Chamber to Title 22 of the Maine Statutes, Section 1599-A. It is the Informed Consent to Abortion statute. It's actually the statute that is proposed to be amended by this legislation. It - I can read if you'd all like, or you can read it on your own, but it contains an extensive description of what type of consent is required, including that the healthcare professional has to certify in writing

that the woman gave her informed, written consent freely and without coercion. And then it also contains a statutory definition of informed consent, which requires the healthcare professional to inform the patient in a manner that the healthcare professional's professional judgment is not misleading and will be understood by the patient, including the following - that the patient is pregnant, the number of weeks and probable time of conception, the particular risks associated with pregnancy and abortion and, at the patient's request, other alternative treatments. That is a very extensive consent process that is already required. I feel that the current proposal is establishing a false narrative that there is this desire to force people to have abortions for financial gain, and that is simply not the case. Again, I urge my colleagues to support the pending motion.

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

Senator **HICKMAN**: Thank you, Mr. President. Permission to pose a question through the Chair?

THE PRESIDENT: The Senator from Kennebec, Senator Hickman.

Senator **HICKMAN**: I believe the good Senator from Cumberland earlier said something about there is a statute that makes performing a medical procedure on an individual without their consent a class crime, but I didn't hear the letter of the crime, and I'm wondering if the President - if I can pose that question to the good Senator.

THE PRESIDENT: The Senator from Kennebec, Senator Hickman, poses a question through the Chair. I believe it was Class B. The Chair recognizes the Senator from York, Senator Lawrence.

Senator **LAWRENCE**: Thank you, Mr. President. Men and women of the Senate, it's a Class B, as in boy, crime, punishable by up to ten years in jail. And I will say that we already have the ability to prosecute people, prosecute medical professionals who refuse to abide by their patient's consent or withdrawal of consent. I have seen those types of prosecutions; they occur in the state of Maine. Also, the medical professional would be risking loss of license, also malpractice claims. But I've seen many of these prosecutions go on. We had - we had one with somebody in Corrections who withdrew their consent to something and the medical professional went ahead, and that medical professional was prosecuted. We also have the notorious brain cases, where doctors have taken the brains of people who are deceased without the consent of the family, and those doctors were all prosecuted by the Attorney General's Office. So, I have no doubt that what the - in what the good Senator from Cumberland said, Senator Carney, that we have more than enough in the statute to prosecute anyone who refuses to allow a woman to withdraw their consent for this type of procedure or any type of procedure - or a man who wants to withdraw a consent, we have the ability to prosecute them under the assault statutes.

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

Senator **BRAKEY**: Thank you, Mr. President. I have the statute open in front of me. Thank you to my seatmate, Senator Moore, for loaning me her computer as she was looking it up. It is, for the most part, as Senator Carney has described, the existing statute about consent and what is required for informed consent. Nowhere - I'll note a few things, though. It requires written informed consent freely and without coercion, right? But what happens after an individual signs that paperwork, if they change their mind at that point? There's no requirement in the law under informed consent that as a part of that, the person be notified of their right to withdraw consent and change their mind after that paperwork has been signed. That's all we're adding to this. That as a part of that informed consent process they be notified that they retain the right even after signing the paperwork to change their mind, and that her decision must be legally respected. This doesn't actually change - it's right, there are current - there's current laws in place, performing such a procedure without consent would be a Class B crime. That's actually stricter than what I initially proposed in the bill. But there's no requirement that a woman be given that information so that she knows, particularly someone in situations like Senator Guerin described, someone who maybe is in a vulnerable situation and they don't - are not fully aware of their rights. All we're doing is providing information, requiring that information be provided so that that informed consent is robust. And as to what my good colleague Senator Carney suggested about false narratives, I'm not trying to paint a false narrative here. Perhaps this is very rare, I imagine it probably is very rare. That doesn't mean it doesn't happen, as certain stories have demonstrated. It does happen on - perhaps on rare occasion, but we should protect peoples' rights even in those rare occasions and make sure they have access to all the information about their rights. Thank you, Mr. President.

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

Senator **NANGLE**: Thank you, Mr. President. I'd just like to - we're talking about these consent to treats like they're irrevocable at any time, like, once you've signed the consent to treat, you have no ability to back things up and stop it. I'm looking at Maine Medical Center's outpatient consent to treat. On page three of the four pages, it says, 'I may request in writing to revoke all or part of these authorizations at any time by notifying the outpatient facility, clinic, or practice in writing. I understand that the revocation shall not apply to any disclosures made prior to receiving notice of the revocation.' Now, this is part of their release of medical information, however, it doesn't specify that it is specific to release of information. So, to me, that reads like I can revoke any or all of these authorizations, which includes consent to treat. I think what happened to the congresswoman is probably awful and I also think that that was a much different time. I have never had a medical procedure performed on me without my consent, and I have felt that at any time, I could ask to have the procedure stopped, and I'm just thinking that this is an unnecessary statute. Thank you.

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

Senator **GUERIN**: Thank you, Mr. President. Ladies and gentlemen of the Senate, my good friend, Senator Carney, said there was no financial motivation. Planned Parenthood reported

in their 2020-21 annual report, Planned Parenthood reported $1.7 billion in income, and over $2.1 billion in assets. I am certain there are doctors and other caregivers being paid to do abortions and are benefited from that personally. And again, I would say a young woman who does not know all of her procedural rights and has been told calm down, we'll just continue, is really at a disadvantage to a skilled doctor who is being paid to do the procedure.

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

Senator **CARNEY**: Very briefly, I would just like to say that we have also been given incorrect information about Planned Parenthood, which is a 501(c)(3) and spends a significant amount of money providing healthcare to everyone who needs it in a very compassionate way.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Majority Ought Not to Pass Report. 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 (#254)

YEAS: Senators: BAILEY, BALDACCI, BEEBE-CENTER, CARNEY, CHIPMAN, CURRY, DAUGHTRY, DUSON, GROHOSKI, HICKMAN, INGWERSEN, LAFOUNTAIN, LAWRENCE, NANGLE, PIERCE, RAFFERTY, RENY, ROTUNDO, TIPPING, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BENNETT, BLACK, BRAKEY, FARRIN, GUERIN, HARRINGTON, KEIM, LIBBY, LYFORD, MOORE, POULIOT, STEWART, TIMBERLAKE

EXCUSED: Senator: BRENNER

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

Acts

An Act to Strengthen Third-party Liability Requirements for the MaineCare Program
S.P. 51 L.D. 84

An Act to Compensate Tribal Governments for Basic Training for a Law Enforcement Officer Hired by Another Government Agency
H.P. 150 L.D. 229
(C "A" H-242)

An Act to Prohibit Off-trail Operation of a Snowmobile in an Area Closed to Off-trail Operation
S.P. 290 L.D. 732
(C "A" S-136)

An Act to Require the State to Hold a Public Hearing in a Municipality Before the State Constructs a Solar Project in That Municipality
S.P. 293 L.D. 735
(C "A" S-123)

An Act to Establish an Exception to the Hearsay Rule for Forensic Interviews of a Protected Person
S.P. 324 L.D. 765
(C "A" S-115)

An Act to Require and Standardize Labeling of Water Treatment Equipment
S.P. 334 L.D. 775
(C "A" S-132)

An Act Regarding Dental Licensure for Charitable Care
S.P. 348 L.D. 789
(C "A" S-129)

An Act Regarding Licensure in the Field of Emergency Medical Services
S.P. 390 L.D. 919
(C "A" S-137)

An Act to Advance the Maine Retirement Savings Program
S.P. 451 L.D. 1082
(S "A" S-135)

An Act to Require a Disclaimer on Promotional Materials for Medicare, Medicaid and MaineCare Products by Private Entities
S.P. 508 L.D. 1271
(C "A" S-139)

An Act to Extend the Time for Certain Public Utilities Commission Proceedings
S.P. 659 L.D. 1654

An Act to Amend the Kennebunk Sewer District Charter
S.P. 680 L.D. 1693

PASSED TO BE ENACTED and, having been signed by the President, were presented by the Secretary to the Governor for approval.

An Act to Support Maine's Farmers in the Development of Sustainable Irrigation
H.P. 141 L.D. 220
(C "A" H-224)