

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 682

S.P. 297

In Senate, February 25, 2025

An Act to Amend Certain Laws Regarding Abortions

Received by the Secretary of the Senate on February 20, 2025. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator HAGGAN of Penobscot.
Cosponsored by Representative SMITH of Palermo and
Senators: BERNARD of Aroostook, GUERIN of Penobscot, HARRINGTON of York,
Representatives: CARLOW of Buxton, GRIFFIN of Levant, HAGGAN of Hampden, PAUL of
Winterport, QUINT of Hodgdon.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §1596, sub-§2**, as repealed and replaced by PL 2023, c. 416, §1,
3 is repealed and the following enacted in its place:

4 **2. Abortion reports.** A report of each abortion performed must be made to the
5 department on forms prescribed by the department. These report forms may not identify
6 the patient by name or include other identifying information except as provided in this
7 subsection and must include only the information prescribed by the National Association
8 for Public Health Statistics and Information Systems, Technical Resource for Reporting
9 Induced Termination of Pregnancy, dated December 3, 2019, referred to in this subsection
10 as "the standard report form," or any more recent revision of the standard report form.

11 The report must include, without limitation, the following information:

12 A. The date and place the abortion was performed;

13 B. The age, race, marital status and level of education of the person on whom the
14 abortion was performed;

15 C. The method used to perform the abortion;

16 D. The gestational age of the fetus when the abortion was performed; and

17 E. Any other information required by the standard report form.

18 The report containing the information and data required by this subsection must be
19 transmitted by a health care professional to the department not later than 10 days following
20 the end of the month in which the abortion was performed.

21 **Sec. 2. 22 MRSA §1598, sub-§1**, as amended by PL 2023, c. 416, §2, is further
22 amended to read:

23 **1. Policy.** It is the public policy of the State that the State not restrict a woman's
24 exercise of her private decision to terminate a pregnancy before viability except as provided
25 in this section and section 1597-A. It is also the public policy of the State that all abortions
26 may be performed only by a health care professional, as defined in section 1596, subsection
27 1, paragraph C.

28 **Sec. 3. 22 MRSA §1598, sub-§1-B**, as enacted by PL 2023, c. 416, §3 and
29 reallocated by RR 2023, c. 1, Pt. A, §8, is amended to read:

30 **1-B. Abortion after viability.** After viability, an abortion may be performed only
31 when it is medically necessary to preserve the life or health of the mother or, in the
32 professional judgment of a physician licensed pursuant to Title 32, chapter 36 or 48, the
33 fetus is diagnosed with a lethal fetal anomaly. The physician shall apply the applicable
34 standard of care in making a professional judgment under this subsection. For purposes of
35 this subsection, "lethal fetal anomaly" means a fetal condition diagnosed before birth that,
36 if the pregnancy results in a live birth, will, with reasonable certainty, result in the death of
37 the child not more than 3 months after birth.

38 **Sec. 4. 22 MRSA §1598, sub-§3, ¶A**, as amended by PL 2023, c. 416, §4, is further
39 amended to read:

40 A. Only a person licensed under Title 32, chapter 36 or 48 to practice in the State as
41 an osteopathic or medical physician or physician assistant or a person licensed under

1 Title 32, chapter 31 to practice in the State as an advanced practice registered nurse
2 may perform an abortion on another person. ~~Nothing in this paragraph limits the~~
3 ~~applicability of Title 32, section 3270 or any other civil or criminal law that may apply.~~

4 **Sec. 5. 22 MRSA §1598, sub-§3, ¶B**, as repealed by PL 2023, c. 416, §4, is
5 reenacted to read:

6 B. Any person not so licensed who knowingly performs an abortion on another person
7 or any person who knowingly assists a nonlicensed person to perform an abortion on
8 another person is guilty of a Class C crime.

9 **Sec. 6. 22 MRSA §1598, sub-§4**, as repealed by PL 2023, c. 416, §5, is reenacted
10 to read:

11 **4. Abortions after viability; criminal liability.** A person who performs an abortion
12 after viability is guilty of a Class D crime if:

13 A. The person knowingly disregarded the viability of the fetus; and

14 B. The person knew that the abortion was not necessary for the preservation of the life
15 or health of the mother.

16 SUMMARY

17 This bill amends the law regarding abortions by:

18 1. Specifying that the report of abortions made to the Department of Health and Human
19 Services must include the race, marital status and level of education of the person on whom
20 the abortion is performed and any other information as prescribed by the National
21 Association for Public Health Statistics and Information Systems, Technical Resource for
22 Reporting Induced Termination of Pregnancy;

23 2. Changing the standard for when an abortion may be performed after viability by
24 allowing an abortion to be performed after viability only when it is medically necessary to
25 preserve the life or health of the mother, rather than when a licensed physician determines
26 it is necessary, or when the fetus is diagnosed with a fetal anomaly that will, with a
27 reasonable certainty, result in the death of the child within 3 months after birth; and

28 3. Reestablishing criminal penalties for performing an abortion without a license or
29 after viability.