

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1695

S. P. 667

In Senate, June 2, 1967

Reported by Minority from Committee on Judiciary. Printed under Joint Rules No. 18.

JERROLD B. SPEERS, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT Relating to Unjustified and Justified Abortions.

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

Sec. 1. R. S., T. 17, § 51, repealed and replaced. Section 51 of Title 17 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 51. Abortion, penalty, attempts; therapeutic abortion, requirements

Any person who willfully terminates the pregnancy of any woman, otherwise than by therapeutic abortion or by live birth shall be punished upon conviction by a fine of not more than \$5,000 or by imprisonment for not more than 5 years.

Any person who attempts and intends to effect such termination of pregnancy shall be punished upon conviction by a fine of not more than \$1,000 and by imprisonment for not more than one year, and any person consenting and aiding or assisting in such termination of pregnancy or attempted termination of pregnancy shall be liable to like punishment.

Sec. 2. R. S., T. 17, § 51-A, additional. Title 17 of the Revised Statutes is amended by adding a new section 51-A, to read as follows:

§ 51-A. Definitions

1. Therapeutic abortion. "Therapeutic abortion" means the intention ending of the pregnancy of a woman at the written request of said woman or if said woman is under the age of 18 years, then at the written request of said woman and one of her then living parents or her guardian, or if the woman is 18 years or over but is physically or mentally incapable of giving consent, with the approval of the judge of probate of the county in which she resides, or if the woman is married and living with her husband, at the written request of said

woman and her husband, by a licensed physician using accepted medical procedures in a fully licensed hospital upon written certification by all of the members of a special hospital board that:

A. Continuation of the pregnancy, in their opinion, will probably result in the death of the woman; or the serious permanent impairment of the physical health of the woman; or the serious permanent impairment of the mental health of the woman as confirmed in writing under the signature of a licensed doctor of medicine specializing in psychiatry; or the birth of a child with grave and permanent mental or physical deformity; or

B. Less than 16 weeks of gestation have passed and that the pregnancy resulted from rape or incest, and that the county attorney of the county in which the alleged rape or incest has occurred has informed the committee in writing under his signature, that there is probable cause to believe that the alleged violation did occur.

2. Special hospital board. "Special hospital board" means a committee of 3 licensed physicians who are members of the staff of the hospital where the proposed therapeutic abortion would be performed if certified in accordance with this section and who meet regularly or on call for the purpose of determining the question of medical justification in each individual case, and which maintains a written record, signed by each member, of the proceedings and deliberations of such board.