

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

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Legislative Document

No. 1406

H. P. 1024

House of Representatives, March 11, 1971

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mrs. Doyle of Bangor.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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AN ACT Relating to Termination of Human Pregnancy by  
Medical Decision.

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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 R. S., T. 17, § 51, repealed and replaced. Section 51 of Title 17 of the Revised Statutes, is repealed and the following enacted in place thereof: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. Therapeutic medical abortion authorized; illegal abortion; penalty

1. Termination. No person shall terminate or attempt to terminate or assist in the termination or attempt at termination of a human pregnancy otherwise than by birth, except that a medical or osteopathic physician licensed to practice in the State of Maine may terminate a human pregnancy or aid or assist or attempt a termination of a human pregnancy if said termination takes place in medical and osteopathic hospitals licensed by the State Department of Health and Welfare and state hospitals.

2. Conditions. In no event shall any medical or osteopathic physician terminate or attempt to terminate or assist in the termination of a human pregnancy otherwise than by birth unless the following conditions exist:

A. Not more than 20 weeks of gestation have passed, except in the case of a termination pursuant to saving of the mother's life or where the fetus is dead; and

B. Authorization therefor has been granted in writing by the mother requesting the termination and the duly licensed physician agreeing to terminate the pregnancy; and

C. The mother is of or above the age of legal consent; and

D. If the mother is under the age of legal consent or is mentally incompetent, permission for said termination must be granted in writing by one of her parents or a legally appointed guardian and the physician agreeing to terminate the pregnancy.

3. Limitations. No person shall be required to perform or participate in medical procedures which result in the termination of pregnancy; and the refusal of any person to perform or participate in these medical procedures shall not be a basis for civil liability to any person nor a basis for any disciplinary or any other recriminatory actions against him.

4. Hospital refusal. No hospital, hospital administrator or governing board shall be required to permit the termination of human pregnancies within its institution and the refusal to permit such procedures shall not be grounds for civil liability to any person nor a basis for any disciplinary or other recriminatory action against it by the State or any person.

5. Personal refusal. The refusal of any person to submit to an abortion or to give consent therefor shall not be grounds for loss of any privileges or immunities to which such person would otherwise be entitled nor shall submission to an abortion or the granting of consent therefor be a condition precedent to the receipt of any public benefits.

6. Offenses. A person is guilty of a criminal offense if he:

A. Sells or gives, or causes to be sold or given, any drug, medicine, preparation, instrument or device for the purpose of causing, inducing or obtaining a termination of a human pregnancy other than by a licensed medical or osteopathic physician in a hospital under conditions as described in subsection 1;

B. Gives advice, counsel or information for the purpose of causing, inducing or obtaining a termination of human pregnancy other than by such medical or osteopathic physicians in such hospital, except to refer such person to a duly licensed medical or osteopathic physician, hospital in this State or to health facilities in other states where abortion has been legalized;

C. Knowingly assists or causes by any means whatsoever the obtaining or performing of a termination of a human pregnancy other than by such physician in such hospital as described in subsection 1, except for referrals as described in paragraph B of this subsection.

7. Penalty. Any person who violates any provision of this section, upon conviction, shall be punished by a fine of not more than \$5,000 for each offense, or by imprisonment for not more than 3 years, or by both. The penalties in this section are in addition to and not in substitution for any other penalty or penalties applicable to particular classes of persons under other laws of this State.

Sec. 2. R. S., T. 17, § 52, repealed. Section 52 of Title 17 of the Revised Statutes is repealed.

## STATEMENT OF FACT

The present laws, the Revised Statutes, Title 17, chapter 3, sections 51 and 52, permit legal abortion only when the mother's life is in danger. It does not specify who is allowed to perform the procedure. The purpose of this bill is to allow termination of human pregnancies by agreement between the mother and a duly licensed medical or osteopathic physician in a health facility as described in this Act.