

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1736

H. P. 1324

House of Representatives, May 14, 1971

Reported by a Minority of the Committee on Judiciary and printed under Joint Rules No. 18.

BERTHA W. JOHNSON, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

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

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 R. S., T. 17, § 51, repealed and replaced. Section 51 of Title 17 of the Revised Statutes, is repealed and the following enacted in place thereof: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. It shall be unlawful for any person to terminate a human pregnancy otherwise than by birth, except in accordance with this section.

2. Conditions.

A. The termination of pregnancy may take place in medical or osteopathic hospitals licensed by the State Department of Health and Welfare.

B. 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.

C. The mother shall request in writing that the pregnancy be terminated.

D. The medical or osteopathic hospital in which the operation is to be performed shall have established a Committee on Termination of Pregnancy, the members of which shall be medical or osteopathic physicians, 2 members of which shall concur in writing with the attending physician that the termination of pregnancy is in the best interests of the patient's welfare.

E. If the mother is under the age of legal majority or is mentally incompetent, permission for said termination must be granted in writing by one of her parents or a legally appointed guardian.

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 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 license 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.

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.

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 R. S., T. 17, § 52, repealed. Section 52 of Title 17 of the Revised Statutes, is repealed.