

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1823

H. P. 1367

House of Representatives, April 3, 1973

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

E. LOUISE LINCOLN, Clerk

Presented by Mr. Huber of Falmouth.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to Family Planning Services.

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

Sec. 1. R. S., T. 22, c. 406, additional. Title 22 of the Revised Statutes is amended by adding a new chapter 406 to read as follows:

CHAPTER 406

FAMILY PLANNING SERVICES

§ 1901. Legislative intent

The Legislature finds that family planning services are not sufficiently available as a practical matter to many persons in this State; that unwanted conception may place severe medical, emotional, social and economic burdens on the family unit and that it is desirable that inhibitions and restrictions to the delivery of family planning services be reduced so that all persons desiring and needing such services shall have ready and practicable access thereto in appropriate settings sensitive to their needs and beliefs. The Legislature therefore declares that it is consistent with public policy to make available comprehensive medical knowledge, assistance and services relating to family planning.

§ 1902. Definitions

As used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings.

1. Contraceptive procedures. "Contraceptive procedures" means any medically accepted procedure to prevent conception when performed by or under the direction of a physician on a requesting and consenting patient.

2. Contraceptive supplies. "Contraceptive supplies" means those medically approved drugs, prescriptions, rhythm charts, devices and other items designed to prevent conception through chemical, mechanical, behavioral or other means.

3. Family planning. "Family planning" means informed and voluntary self-determination of desired family size and of the timing of child bearing based upon comprehensive knowledge of factors pertinent to this determination.

4. Family planning services. "Family planning services" means counseling with trained personnel regarding family planning, contraceptive procedures and the treatment of infertility; distribution of literature relating to family planning, contraceptive procedures and the treatment of infertility; referral of patients to physicians or health agencies for consultation, examination, tests, medical treatment and prescription for the purposes of family planning, contraceptive procedures and treatment of infertility and provision of contraceptive procedures and contraceptive supplies by those qualified to do so under the laws of this State.

5. Physician. "Physician" means any doctor of medicine or doctor of osteopathy duly licensed to practice his profession in this State.

6. Person. "Person" means any person regardless of sex, race, number of children, marital status, motive and citizenship.

§ 1903. Authority and policy

It shall be the policy and authority of this State that:

1. Availability. Family planning services shall be readily and practicably available to all persons desiring and needing such services;

2. Consistent with public policy. The delivery of family planning services by duly authorized persons in all agencies and instrumentalities of this State is consistent with public policy;

3. Refusal. Nothing in this chapter shall inhibit a physician from refusing to furnish family planning services when such refusal is for medical reasons;

4. Objections. No private institution or physician or no agent or employee of such institution or physician shall be prohibited from refusing to provide family planning services when such refusal is based upon religious or conscientious objection.

§ 1904. Rules and regulations

The Commissioner of Health and Welfare is authorized and directed to adopt rules and regulations and establish programs to enable the Department of Health and Welfare, either directly or under contractual arrangements with other organizations, to promptly implement this chapter.

§ 1905. Funds

The Department of Health and Welfare is authorized to receive and disburse such funds as may be available to it for family planning services to any

nonprofit organization, public or private, engaged in providing such services. Family planning programs administered by the Department of Health and Welfare may be developed in consultation, coordination or on a contractual basis, with other family planning agencies in this State, including, but not limited to, the Family Planning Association of Maine, Inc., and its affiliates.

§ 1906. Availability

To the extent family planning funds are available, the Department of Health and Welfare shall provide family planning services to medically indigent persons eligible for such services as determined by rules and regulations promulgated by the Commissioner of Health and Welfare. Family planning services shall also be available to all others who are unable to reasonably obtain these services privately, at a reasonable cost to be determined by the rules and regulations promulgated by the commissioner. Any funds so collected shall be retained by the department for the support of these services.

§ 1907. Refusal

The refusal of any person to accept family planning services shall not affect the right of such person to receive public assistance or public health services or to avail himself of any other public benefit. The employees of agencies engaged in the administration of this chapter shall recognize that the right to make decisions concerning family planning is a fundamental personal right of the individual and nothing in this chapter shall in any way abridge such right nor shall any individual be required to state his reasons for refusing the offer of family planning services.

§ 1908. Minors

Family planning services may be furnished to any minor who is a parent or married or has the consent of his or her legal guardian or who may suffer in the professional judgment of a physician probable health hazards if such services are not provided.

§ 1909. Construction

This chapter shall be construed to protect the rights of all persons to pursue their religious beliefs, to follow the dictates of their own consciences, to prevent imposition upon any person's moral standards and to respect the right of every person to self-determination in respect to family planning.

Sec. 2. Appropriation. There is appropriated to the Department of Health and Welfare from the General Fund the sum of \$500,000 to carry out the purposes of this Act. The breakdown shall be as follows:

	1973-74	1974-75
HEALTH AND WELFARE, DEPARTMENT OF		
Personal Services	(2) \$ 20,000	(3) \$ 25,000
All Other	180,000	275,000
	<hr/>	<hr/>
	\$200,000	\$300,000

STATEMENT OF FACT

Unwanted and avoidable conception can place severe medical, emotional, social and economic burdens both on the family unit and upon society. Provision of voluntary family planning services according to the needs and beliefs of individual Maine citizens would allow many families to avoid undue strains on the family unit resulting from unwanted conception.

Under the Social Security amendments of 1972, Title IV-A, state welfare departments must offer family planning services to AFDC recipients and these services must be "provided promptly (directly or under arrangements with others)". Such departments will be penalized for failure to offer and provide such services.

Under Title XIX of the 1972 Social Security amendments, all states with medicaid programs are required to include family planning services and supplies as one of the basic medical services available to all persons covered by the program.

Federal matching funds are provided at a rate of 9 federal dollars to each state dollar expended on family planning services under the above programs.

It is estimated that less than 40% of the "medically indigent" now have ready and practicable access to family planning services. The fact that this State has the 9th highest rate (1970) of illegitimate births in the nation and that it has the highest birth rate of any New England state indicates that these services are not readily available. This bill would provide for the availability of such services without imposing them on anyone.

This Act would also allow many citizens to voluntarily avoid the situation in which abortion—which will be more readily available due to the recent Supreme Court decision—might be considered. The bill specifically deals with the voluntary prevention of conception not the termination of pregnancy.