

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

(New Title)
New Draft of: H. P. 740, L. D. 953

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1992

H. P. 1559 House of Representatives, May 31, 1973
Reported by Mr. Carrier from the Committee on Judiciary and printed under
Joint Rules No. 18.

E. LOUISE LINCOLN, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

**AN ACT to Provide Protection of Fetal Life and the Rights of Physicians,
Nurses, Hospitals and Others Relating to Abortions.**

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

Sec. 1. R. S., T. 22, § 1572, additional. Title 22 of the Revised Statutes is amended by adding a new section 1572, to read as follows:

§ 1572. Immunity and employment protection

No physician, nurse or other person who refuses to perform or assist in the performance of an abortion, and no hospital or health care facility that refuses to permit the performance of an abortion upon its premises, shall be liable to any person, firm, association or corporation for damages allegedly arising from the refusal, nor shall such refusal constitute a basis for any civil liability to any physician, nurse or other person, hospital or health care facility nor a basis for any disciplinary or other recriminatory action against them or any of them by the State or any person.

No physician, nurse or other person, who refuses to perform or assist in the performance of an abortion, shall, because of that refusal, be dismissed, suspended, demoted or otherwise prejudiced or damaged by a hospital, health care facility, firm, association, professional association, corporation or educational institution with which he or she is affiliated or requests to be affiliated or by which he or she is employed, nor shall such refusal constitute grounds for loss of any privileges or immunities to which such physician, nurse or other 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.

Sec. 2. R. S., T. 22, § 1573, additional. Title 22 of the Revised Statutes is amended by adding a new section 1573, to read as follows:

§ 1573. Discrimination for refusal

No person, hospital, health care facility, firm, association, corporation or educational institution, directly or indirectly, by himself or another, shall discriminate against any physician, nurse or other person by refusing or withholding employment from or denying admittance, when such physician, nurse or other person refuses to perform, or assist in the performance of an abortion, nor shall such refusal constitute grounds for loss of any privileges or immunities to which such physician, nurse or other person would otherwise be entitled.

Sec. 3. R. S., T. 22, § 1574, additional. Title 22 of the Revised Statutes is amended by adding a new section 1574, to read as follows:

§ 1574. Sale and use of fetuses

Whoever shall use, transfer, distribute or give away any live human fetus, whether intrauterine or extrauterine, or any product of conception considered live born for scientific experimentation or for any form of experimentation shall be punished by a fine of not more than \$5,000 and by imprisonment for not more than 5 years and any person consenting, aiding or assisting shall be liable to like punishment.

Sec. 4. R. S., T. 22, § 1575, additional. Title 22 of the Revised Statutes is amended by adding a new section 1575, to read as follows:

§ 1575. Failure to preserve life of live born person

Whenever an abortion procedure results in a live birth, failure to take all reasonable steps, in keeping with good medical practice, to preserve the life and health of the live born person shall subject the responsible party or parties to Maine law governing homicide, manslaughter and civil liability for wrongful death and medical malpractice.

Sec. 5. R. S., T. 22, § 1576, additional. Title 22 of the Revised Statutes is amended by adding a new section 1576, to read as follows:

§ 1576. Live born and live birth, defined

"Live born" and "live birth," as used in sections 1574 and 1575, shall mean a product of conception after complete expulsion or extraction from its mother, irrespective of the duration of pregnancy, which breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached. Each product of such a birth is considered live born and fully recognized as a human person under Maine law.

STATEMENT OF FACT

This bill provides for protection of fetal life, born and unborn, and the rights of physicians, nurses, hospitals and others as they may apply.