

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1616

S. P. 486

In Senate, April 8, 1975

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Huber of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Regulating Abortion Procedures.

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

Sec. 1. 17 MRSA § 51 is repealed.

Sec. 2. 22 MRSA § 1581 is enacted to read:

§ 1581. Abortion

1. Defined. "Abortion" is defined to mean the termination of human pregnancy with an intention other than to produce a live birth or to remove a dead fetus.

2. Performed. An abortion may be performed only by a physician duly licensed to practice medicine or osteopathy in this State or by a physician practicing medicine or osteopathy in this State or by a physician practicing medicine or osteopathy in the employ of the Government of the United States, and

A. After the 12th week of pregnancy, only if performed in a hospital licensed as such by the Department of Health and Welfare or in a hospital operated by the Government of the United States, and

B. After the 24th week of pregnancy, only if determined in the professional judgment of the physician to be necessary for the preservation of the life or health of the mother. Such physician's professional judgment shall be reduced to writing and filed with the Commissioner of Health and Welfare within 10 days after such termination is performed. Such filing shall be maintained by the commissioner for a period of 2 years after such operation is performed, shall be available at all reasonable times to

the Attorney General, shall be a confidential record and shall not be made available for public inspection at any time.

3. Claims. If an abortion is performed in compliance with this section, the death of the fetus shall not give rise to any claim for wrongful death.

4. Consent. The consent of the father shall not be required as a condition precedent to the performance of an abortion upon a consenting adult; provided, that in no case may an abortion be performed upon a minor without her written consent.

5. Penalty. Any person who performs or procures or aids or abets an abortion other than as authorized by this section shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 5 years, or by both.

Sec. 3. 32 MRSA § 3282, sub-§ 3, ¶ A, as enacted by PL 1971, c. 591, § 1, is amended to read:

A. Procuring, performing, aiding or abetting a criminal operation or an abortion other than in compliance with Title 22, section 1581;

STATEMENT OF FACT

Maine's abortion law has been rendered unconstitutional, void in its entirety and wholly unenforceable by U.S. Supreme Court decision and subsequent U.S. District Court judgment. This procedure is now unregulated except by the statutes governing medical practice generally.

This bill would regulate abortion procedures as strictly as allowed by the U.S. Supreme Court decision to protect important, legitimate and compelling state interests.