

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)

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1297

H. P. 1075

House of Representatives, March 28, 1977

On motion of Mr. Spencer of Standish, referred to Committee on Judiciary.
Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Boudreau of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT Relating to Prenatal Scientific Determination of Sex.

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

Sec. 1. 5 MRSA § 4553, sub-§ 7, as amended by PL 1975, c. 182, § 1, is further amended by adding at the end the following:

“Person” includes an unborn child from the moment of conception.

Sec. 2. 5 MRSA c. 337, sub-c. V-B is enacted to read:

SUBCHAPTER V-B

PRENATAL SCIENTIFIC DETERMINATION OF SEX

§ 4601. Prenatal scientific determination of sex

It shall be unlawful for any physician, nurse, laboratory technician or any other person to disclose the result or any information about a scientific prenatal determination of the sex of any human fetus, when such a person knows or has reason to believe that this disclosure may result in an abortion if the sex is not what the mother or parents wish.

§ 4602. Penalty

A violation of section 4601 shall be punished by a term of imprisonment not to exceed one year or by a fine of not more than \$1,000, or by both. A 2nd or subsequent violation of section 4601 shall be punished by a term of imprisonment not to exceed 3 years or by a fine of not more than \$1,000, or by both.

A physician, nurse, laboratory technician or any other person may, in addition to the above penalties, be suspended from licensed professional practice for a term not to exceed 6 months for a first offense and a term not to exceed one year for each subsequent offense.

STATEMENT OF FACT

A procedure known as amniocentesis, as well as other methods of determining sex, is being used to predict the sex of an unborn child. Some parents are predicating a decision on whether to abort the fetus or carry the offspring to full term, based on the discriminatory factor that the unborn child is to be destroyed if it is of a sex which the mother or parents do not desire. Such sex discrimination is against state and national public policy and should be discouraged and barred by law.