

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
109TH LEGISLATURE
FIRST REGULAR SESSION

LD 604
(Filing No. S-181)

COMMITTEE AMENDMENT "A" to S.P. 220, L.D. 604, Bill,
"AN ACT to Insure Parental Participation in a Minor's Decision to
have an Abortion."

Amend the bill by striking out all of the title and inserting
in its place the following: 'AN ACT to Require Parental Notification
of a Minor's Abortion.'

Further amend the Bill by striking out everything after
the enacting clause and inserting in its place the following:

'22 MRSA §1597 is enacted to read:
§1597. Parental notification of minor's decision to have
an abortion

1. Definitions. As used in this section, unless the context
indicates otherwise, the following terms shall have the following
meanings.

A. "Emancipated" <---> means the person has surrendered
the rights of a minor in relation to her parent's duties
to her and that the parents have surrendered the care,
custody and earnings of the minor.

B. "Minor" <---> means a person who is less than 17 years
of age.

2. Notice required. A person shall not perform an abortion
on an unemancipated minor without first giving notice to one
of her parents or guardians of his intention to perform that
abortion or notifying the Department of Human Services of his
inability to give notice. Notice shall be given as follows.

A. The person who will perform the abortion shall give

actual notice at least 24 hours before performing the abortion.

B. If actual notice cannot be given, he shall serve written notice by certified mail to the last known address of the parent or guardian. This notice shall be mailed at least 48 hours before performing the abortion.

C. If he cannot give notice as required under paragraphs A or B, he shall notify the Department of Human Services in writing of his inability to give notice. The notice shall be confidential and not open to public inspection. This notice shall contain:

(1) A statement of his intention to perform an abortion; and

(2) A statement that he has been unable to give notice to the parents or guardian of the minor.

D. The person who will perform the abortion shall not perform that abortion for 24 hours after notifying the department that he was unable to give notice.

3. Evidence of notice. That person giving notice shall obtain written evidence that notice was given. That evidence may be a signed acknowledgement of the recipient or a sworn affidavit by the person giving notice that it was given. If he is unable to give notice, he shall retain a dated and sworn statement that he has notified the department of his inability to give notice.

4. Exception. If, in the best clinical judgment of an attending physician, the life or health of the minor will be endangered if the abortion is not performed immediately, the notice requirements of subsection 2 shall not apply. The person who performed the abortion shall notify, actually or in writing, one of the parents or guardians of the abortion, within 24 hours of that abortion or notify the department of his inability to give notice.

5. Consent not required. Nothing in this section shall require the consent of the parents or legal guardian of the minor to the minor's abortion.'

Statement of Fact

Abortions, like any other medical procedure, entail some risk of post-operative complications. The complications may, occasionally, seriously threaten the life or health of the patient. If the parents of the unemancipated minor are unaware that she has undergone an abortion, they may be unaware of the onset of complications and thus further endanger the life or health of the patient. ^{Since} / a minor's parents are responsible for the child, they should not be ignorant of the abortion and possible ensuing complications.

This amendment requires the person who will perform an abortion on an unemancipated minor to notify the parents prior to performing the abortion. It also provides that the Department of Human Services will be notified if

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notice cannot be given to the parents. The amendment also provides a waiver of prior notice if an immediate abortion is necessary. Finally, the amendment clarifies that the notice requirement does not imply that consent of the parents is necessary.

Reported by the Majority of the Committee on Judiciary.

Reproduced and distributed pursuant to Senate Rule 11-A.

May 11, 1979

(Filing No. S-181)