MAINE STATE LEGISLATURE

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ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document   **No. 806**

S. P. 262   In Senate, February 28, 1979
   Referred to the Committee on Judiciary. Sent down for concurrence and 2,000 ordered printed.
   Presented by Senator Trotzky of Penobscot.
                                        MAY M. ROSS, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED SEVENTY-NINE

AN ACT to Prohibit Abortions after Viability.

Be it enacted by the People of the State of Maine, as follows:
   Sec. 1. 17 MRSA § 51 is repealed.

   Sec. 2. 22 MRSA § 1597 is enacted to read:

§ 1597. Abortions limited after viability

   1. **Abortion defined.** As used in this section, "abortion" means the intentional interruption of a pregnancy by the application of external agents, whether chemical or physical or by the ingestion of chemical agents with an intention other than to produce a live birth or to remove a dead fetus.

   2. **Viability defined.** As used in this section, "viability" means the time during pregnancy when, in the judgment of the attending physician based on the particular facts of the case before him, there is a reasonable likelihood of sustained survival of the fetus outside the womb, with of without artificial support.

   3. **Abortions after viability limited.** After viability, abortions may be performed only if it is determined in the professional judgment of the physician to be necessary for the preservation of the life or health of the pregnant woman and then only in a hospital licensed as such by the Department of Human Services or in a hospital operated by the Government of the United States.

4. Penalty.   Any person who violates this section shall be guilty of a Class D crime.

STATEMENT OF FACT

The present statute governing abortion is unconstitutional under Roe vs. Wade. It may be argued that Maine has no restrictions on abortion at all, because the only statute restricting abortions is unconstitutional. Thus, this bill repeals that law and provides protection of viable fetuses consistent with United States Supreme Court decisions.