

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1061

H. P. 865

House of Representatives, March 6, 1979

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

EDWIN H. PERT, Clerk

Presented by Mr. Laffin of Westbrook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Limit Abortions in the Second and Third Trimesters to Certain Specified Situations.

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

Sec. 1. 17 MRSA § 51 is repealed.

Sec. 2. 22 MRSA § 1596, sub-§ 1, ¶ A, as enacted by PL 1977, c. 696, § 186, is amended to read:

A. "Abortion" means the intentional or knowing interruption of a pregnancy by the application of external agents, whether chemical or physical, or the ingestion of chemical agents.

Sec. 3. 22 MRSA § 1596, last ¶, as enacted by PL 1977, c. 696, § 186, is repealed as follows:

~~A physician who reports data on an abortion pursuant to this section shall be immune from any criminal liability for that abortion under Title 17, section 51~~

Sec. 4. 22 MRSA § 1597 is enacted to read:

§ 1597. Persons who may perform abortions; limitations; penalties

1. Persons who may perform abortions. Only a person licensed to practice medicine in Maine may perform an abortion as defined in section 1596. Any person

not so licensed who intentionally or knowingly performs an abortion or any person who intentionally or knowingly assists a nonlicensed person to perform an abortion shall be guilty of a Class B crime.

2. Circumstances involving abortion. When, in the best clinical judgment of the attending physician based on the particular facts of the case before him, there is a reasonable likelihood of the fetus' sustained survival outside the womb, with or without artificial support, an abortion may be performed only if the pregnancy is determined to be the result of incest or rape or if an abortion is necessary for the preservation of the mother's life or health.

A violation of this subsection shall subject the attending physician to Maine homicide laws.

STATEMENT OF FACT

The intent of this legislation is to prevent abortions in the 3rd phase and to increase the penalty for violations in such cases.