

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 134

6  
7 H.P. 109

House of Representatives, January 22, 1985

8 Reference to the Committee on Human Resources suggested and ordered  
9 printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Brown of Gorham.

Cosponsored by Representative Stevenson of Unity and Senator Hichens  
of York.

11  
12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-FIVE  
16

17 AN ACT Requiring the Presence of a 2nd  
18 Physician when Abortions are Performed  
19 after Viability.  
20

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

23 22 MRSA §1597-A is enacted to read:

24 §1597-A. Abortion of viable unborn child

25 1. Attendance of 2nd physician required. An  
26 abortion of a viable unborn child shall be performed  
27 or induced only when there is in attendance a physi-  
28 cian other than the physician performing or inducing  
29 the abortion who shall take control of and provide  
30 immediate medical care for a child born as a result  
31 of the abortion. During the performance of the abor-  
32 tion, the physician performing it and, subsequent to  
33 the abortion, the physician required by this section  
34 to be in attendance shall take all reasonable steps  
35 in keeping with good medical practice, consistent

1 with the procedure used, to preserve the life and  
2 health of the viable unborn child, provided that it  
3 does not pose an increased risk to the life or health  
4 of the patient.

5 2. Violation punishable. Violation of this sec-  
6 tion is a Class D crime. Negligence of a medical fa-  
7 ility in permitting a violation of this section is  
8 a Class D crime.

9 STATEMENT OF FACT

10 The Constitution of Maine and the United States  
11 Constitution secure our right to life. The United  
12 States Supreme Court in the June 15, 1983, case of  
13 Planned Parenthood v. John Ashcroft, Attorney General  
14 of Missouri, declared that this same right to life is  
15 guaranteed to viable unborn children. The State of  
16 Maine should do no less in securing the right to life  
17 than the State of Missouri and the United States Su-  
18 preme Court.

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