

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 604, L.D. 819, Bill, "An Act to Ensure a Woman's Right to Know"

Amend the bill by striking out all of section 3 and inserting in its place the following:

'Sec. 3. 22 MRSA §1599-A is enacted to read:

§1599-A. Information prior to abortion

An abortion may not be performed or induced unless the pregnant woman upon whom the abortion is to be performed or induced certifies she has received the information required to be provided under this section and has been offered the information required to be offered under this section.

1. Definitions. As used in this section, the following terms have the following meanings.

A. "Health care practitioner" has the same meaning as set forth in Title 24, section 2502, subsection 1-A.

B. "Health care provider" has the same meaning as set forth in Title 24, section 2502, subsection 2.

2. Information before pregnancy test. At the time a pregnancy test is requested, but before the pregnancy test is conducted, the health care practitioner or an agent or employee of the health care practitioner or health care provider shall provide the woman requesting the pregnancy test with the following information:

2 A. Information about contraception, including the
3 reliability of different contraceptive practices. If the
4 woman objects to contraception on religious grounds, this
5 information must be omitted; and

6 B. The nature and reliability of the pregnancy test to be
7 conducted.

8
9 3. Information upon verification of pregnancy. If the
10 pregnancy test indicates that the woman requesting the test is
11 pregnant, the health care provider or the agent or employee of
12 the health care provider or health care practitioner shall
13 provide information related to decisions regarding the future of
14 the pregnancy.

15 A. The information must include at least the following:

16
17 (1) The probable gestational age of the fetus as can
18 be best estimated from the information available; and

19
20 (2) The probable anatomical and physiological
21 characteristics of a fetus at the probable gestational
22 age at the time the information is provided and any
23 relevant information on the possibility of the survival
24 of the fetus. The information must be objective,
25 nonjudgmental and designed to convey only accurate
26 scientific information about the fetus at the probable
27 gestational age.

28
29 B. The health care practitioner or the agent or employee of
30 the health care practitioner or health care provider shall
31 offer to provide the following information about abortion.
32 If the pregnant woman has determined that she will not have
33 an abortion, she may refuse the provision of information
34 about abortion, in which case the information may not be
35 provided. If provided, the information must include at
36 least the following: objective information describing the
37 methods of abortion procedures commonly employed, the
38 medical risks commonly associated with each procedure, the
39 possible psychological effects of abortion and the medical
40 risks commonly associated with each procedure and the
41 medical risks commonly associated with carrying a fetus to
42 term.

43
44 C. The health care practitioner or the agent or employee of
45 the health care practitioner or health care provider shall
46 offer to provide the following information about
47 alternatives to abortion. A pregnant woman may refuse the
48 provision of this information about alternatives to
49 abortion, in which case the information may not be
50

2 provided. If provided, the information must include at
3 least the following:

4 (1) That the department publishes printed materials
5 listing agencies that offer alternatives to abortion
6 and that a copy will be provided to her free of charge
7 if she chooses to review them;

8
9 (2) That medical assistance benefits may be available
10 for prenatal care, childbirth and neonatal care and
11 that more detailed information on the availability of
12 that assistance is contained in the printed materials
13 published by the department; and

14
15 (3) That the father of the fetus is liable to assist
16 in the support of her child, after birth even when he
17 has offered to pay for the abortion. In the case of
18 rape, this information may be omitted.

19
20 4. Written certification; right to refuse. The pregnant
21 woman shall certify in writing that the health care practitioner
22 or the agent or employee of the health care practitioner or
23 health care provider provided the information required under
24 subsection 3, paragraph A, and offered the information required
25 under subsection 3, paragraphs B and C. If the pregnant woman
26 refused the provision of the information, she shall certify that
27 she refused the provision of the information. If the pregnant
28 woman did not refuse provision of the information, she shall
29 certify that she received the information.

30
31 5. Information provided by the department. The department
32 shall publish and make available within 60 days of the effective
33 date of this section printed materials that contain the following
34 information:

35 A. Geographically indexed information about public and
36 private agencies and services available to assist a woman
37 through pregnancy, childbirth and while the child is
38 dependent, including adoption agencies. The information
39 must include a comprehensive list of the agencies available,
40 a description of the services those agencies offer and a
41 description of the manner, including telephone numbers, in
42 which the agencies may be contacted, or at the option of the
43 department, printed information including a toll-free,
44 24-hour telephone number that may be called to obtain such a
45 list and a description of agencies in the locality of the
46 caller and the services offered by those agencies;

47
48 B. The materials must include the following statement.

"There are many public and private agencies willing and able to help you to carry your child to term, and to assist you and your child after your child is born, whether you choose to keep your child or to place your child for adoption. The Maine Department of Human Services strongly urges you to contact the department before making a final decision about the future of your pregnancy."; and

C. The materials must include information on the availability of medical assistance benefits for prenatal care, childbirth and neonatal care and state that the father of a child is liable to assist in the support of that child even in instances when the father has offered to pay for an abortion and that the law permits adoptive parents to pay costs of prenatal care, childbirth and neonatal care.

All materials published pursuant to this subsection must be prepared in a manner that is easily comprehensible to the average reader.

Sec. 4. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1993-94	1994-95
HUMAN SERVICES, DEPARTMENT OF		
Bureau of Health		
All Other	\$40,000	\$40,000
Provides funds to provide geographically indexed service information to all health care providers for distribution to pregnant women.		

FISCAL NOTE

	1993-94	1994-95
APPROPRIATIONS/ALLOCATIONS		

General Fund

\$40,000

\$40,000

2
4 The Department of Human Services will require General Fund
6 appropriations of \$40,000 in fiscal years 1993-94 and 1994-95 in
order to reproduce and distribute the geographically indexed
service information to all health care providers.'

8
10 **STATEMENT OF FACT**

12 This amendment replaces section 3 of the original bill.

14 This amendment requires that certain information be provided
16 at the time a pregnancy test is requested and that additional
18 information be provided after a pregnancy test is positive and
20 that more detailed information about abortion and alternatives to
abortion be offered after a positive pregnancy test. A pregnant
woman may refuse the provision of information about abortion or
about alternatives to abortion, in which case the refused
information will not be provided.

22 This amendment requires that pertinent information about
24 abortion and carrying a pregnancy to term be offered to be
provided to a pregnant woman at the time her pregnancy is
26 confirmed by a test by a health care practitioner or an agent or
employee of a health care practitioner or health care provider.
28 The bill required similar but more complex information be
provided to the woman at the time she requests an abortion. This
30 amendment requires that the information be offered much earlier,
at the time the pregnancy is confirmed by a test in a doctor's
32 office, clinic or hospital. If the pregnant woman has decided
she will not have an abortion, she may refuse the provision of
information about abortion procedures. If she is undecided or
34 thinks she will have an abortion, that information must be
provided to her. The information about alternatives to abortion
36 must be provided unless the pregnant woman refuses it. Pregnant
women must sign statements that they were offered the
38 information. Women who refuse the provision of the information
will state that in their certifications; women who accept the
40 provision of the offered information will state that in their
certifications.

42 This amendment requires the Department of Human Services to
44 develop and provide informational materials about agencies and
46 services available to assist a woman through pregnancy,
childbirth and while the child is dependent.

48 The terms "health care practitioner" and "health care
50 provider" are defined in the Maine Health Security Act, the Maine
Revised Statutes, Title 24, section 2502. "Health care

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2 practitioners" are individuals certified, registered or licensed
in the healing arts, including physicians, nurses and physician's
4 assistants. "Health care providers" are facilities licensed or
authorized by the State in which skilled nursing care or medical
services are provided, such as hospitals and clinics.

Reported by the Minority of the Committee on Judiciary
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