

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

R 418

L.D. 630

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48
50

DATE: 6/14/95

(Filing No. H- 474)

MINORITY
JUDICIARY

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 464, L.D. 630, Bill, "An Act to Require a 24-Hour Waiting Period before an Abortion May Be Performed"

Amend the bill by striking out the title and substituting the following:

'An Act to Require That Specific Information Be Provided before an Abortion May Be Performed'

Further amend the bill by striking out all of section 1 (page 1, lines 3 to 10 in L.D.) and inserting in its place the following:

'Sec. 1. 22 MRSA §1598, sub-§1, as amended by PL 1993, c. 61, §2, is further amended to read:

1. Policy. It is the public policy of the State that the State not restrict a woman's exercise of her private decision to terminate a pregnancy before viability except as provided in ~~section~~ sections 1597-A and 1599-B. After viability an abortion may be performed only when it is necessary to preserve the life or health of the mother. It is also the public policy of the State that all abortions may be performed only by a physician.'

Further amend the bill in section 5 in the first line (page 1, line 38 in L.D.) by striking out the following: **"1599-C, 1599-D and 1599-E"** and inserting in its place the following: **'1599-C and 1599-D'**

Further amend the bill in section 5 by striking out all of those parts designated **"§1599-B. and §1599-C."** and inserting in their place the following:

COMMITTEE AMENDMENT

R 4 S

2 '§1599-B. Information prior to abortion

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

10 A. "Pregnancy information packet" means the collection of
12 information and the verification form described in section
14 1599-C that is prepared by the department.

16 2. Prerequisites to abortion. A physician may not perform
18 an abortion unless, prior to the performance:

20 A. The pregnant woman provides written verification
22 pursuant to subsection 4 that she received the pregnancy
24 information packet at least 24 hours before the performance
26 of the abortion. This paragraph does not apply in the case
28 of a medical emergency; and

30 B. The attending physician certifies in writing that the
32 woman gave her informed written consent freely and without
34 coercion.

36 The physician shall enter the documents described in paragraphs A
38 and B into the pregnant woman's medical record.

40 3. Pregnancy information packet providers. The following
42 shall provide pregnancy information packets to pregnant women who
44 contact them seeking information about abortion:

46 A. The physician who will perform the abortion;

48 B. Any other physician or health care provider;

C. An organization providing family planning services;

D. The department; or

E. Any other person or organization that requests copies of
the packet from the department for the purpose of
distributing the packet to pregnant women seeking
information about abortion.

If the person or organization contacted by a pregnant woman to
provide the packet is not able to provide the packet upon being
contacted, the person or organization shall provide the pregnant
woman with the name, address and telephone number of at least one
other provider of the packet.

R. W. S.

2 4. Verification form; signatures required. In order to
4 obtain an abortion, after receiving a pregnancy information
6 packet, a pregnant woman must sign and date a form verifying that
8 she received the packet on or before the date she signed and
10 dated the form. If the pregnant woman reads the information in
12 the packet, she must sign that portion of the form verifying that
14 she read the information. If the pregnant woman refuses to read
16 the information in the packet, she must sign that portion of the
18 form verifying that she refused to read the information. The
20 pregnant woman must provide a completed verification form to the
22 physician performing the abortion before the abortion is
24 performed or induced.

14 5. Informed consent. To ensure that the consent for an
16 abortion is truly informed consent, the attending physician shall
18 inform the woman, in a manner that in the physician's
20 professional judgment is not misleading and that will be
22 understood by the patient, of at least the following:

- 22 A. According to the physician's best judgment she is
24 pregnant;
- 26 B. The number of weeks elapsed from the probable time of
28 the conception;
- 30 C. The particular risks associated with her own pregnancy
32 and the abortion technique to be performed; and
- 34 D. At the woman's request, alternatives to abortion such as
36 childbirth and adoption and information concerning public
38 and private agencies that will provide the woman with
40 economic and other assistance to carry the fetus to term,
42 including, if the woman so requests, a list of these
44 agencies and the services available from each.

§1599-C. Pregnancy information packet

38 1. Preparation by department. The department shall prepare
40 and distribute pregnancy information packets containing the
42 following:

- 44 A. A written and pictorial presentation of the probable
46 anatomical and physiological characteristics of a fetus at
48 2-week gestational increments, along with information on the
50 possibility of the survival of the fetus at each gestational
 increment presented. The information must be objective,
 nonjudgmental and designed to convey only accurate
 scientific information about the fetus at each gestational
 increment presented;

2 B. Information about alternatives to abortion, including at
4 least the following:

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

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

16 (3) That the father of the fetus is liable to assist
18 in the support of the pregnant woman's child, after
birth, even when he has offered to pay for the abortion;

20 C. Geographically indexed information about public and
22 private agencies and services available to assist a woman
through pregnancy and childbirth and while the child is
24 dependent, including adoption agencies. The information
must include a comprehensive list of the agencies available,
26 a description of the services those agencies offer and a
description of the manner in which the agencies may be
28 contacted, including telephone numbers, or, at the option of
the department, printed information including a toll-free,
30 24-hour telephone number that may be called to obtain such a
list and a description of agencies in the locality of the
caller and the services offered by those agencies;

32 D. The following statement:

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

44 E. Information on the availability of medical assistance
46 benefits for prenatal care, childbirth and neonatal care and
that the law permits adoptive parents to pay the costs of
prenatal care, childbirth and neonatal care; and

48 F. A verification form on which the pregnant woman can
50 verify that she received the information and that she either
read the information or refused to read the information.

1 of 5

COMMITTEE AMENDMENT "A" to H.P. 464, L.D. 630

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

6 2. Distribution. The department shall distribute pregnancy
8 information packets to pregnant women who directly request the
10 packet from the department and to persons or organizations who
12 request copies for the purpose of distribution to pregnant women
14 seeking information about abortion.'

12 Further amend the bill in section 5 in that part designated
14 "~~§1599-D.~~" in subsection 1 in the first line (page 5, line 7 in
16 L.D.) by striking out the following: "institutional" and
18 inserting in its place the following: 'intentional'

18 Further amend the bill in section 5 in that part designated
20 "~~§1599-D.~~" by striking out all of subsection 3 (page 5, lines 19
22 to 23 in L.D.)

22 Further amend the bill in section 5 by striking out all of
24 that part designated "~~§1599-E.~~" (page 5, lines 25 to 31 in L.D.)

24 Further amend the bill by inserting after section 5 the
26 following:

26 '**Sec. 6. Appropriation.** The following funds are appropriated
28 from the General Fund to carry out the purposes of this Act.

	1995-96	1996-97
32 HUMAN SERVICES, DEPARTMENT OF		
34 Health - Bureau of		
36 Positions - Legislative Count	(0.5)	(0.5)
38 Personal Services	\$17,212	\$13,320
40 All Other	32,475	32,475
42 Provides funds for a project		
44 Public Health Educator III		
46 position and a part-time		
48 Clerk Typist II position and		
other costs associated with		
developing and distributing		
the printed material as a		
pregnancy information packet.		
DEPARTMENT OF HUMAN SERVICES		
50 TOTAL	\$49,687	\$45,795'

COMMITTEE AMENDMENT

A. 4. 5.

COMMITTEE AMENDMENT "A" to H.P. 464, L.D. 630

2 Further amend the bill by inserting at the end before the
statement of fact the following:

4

FISCAL NOTE

6

1995-96 1996-97

8

APPROPRIATIONS/ALLOCATIONS

10

General Fund \$49,687 \$45,795

12

14 This bill provides General Fund appropriations of \$49,687
and \$45,795 in fiscal years 1995-96 and 1996-97, respectively, to
the Department of Human Services to develop and distribute the
16 required printed materials.

18 This bill also may increase the number of civil suits filed
in the court system. The additional workload and administrative
20 costs associated with the minimal number of new cases filed can
be absorbed within the budgeted resources of the Judicial
22 Department. The collection of additional filing fees may also
increase General Fund revenue by minor amounts.'

24

STATEMENT OF FACT

26

28 This amendment replaces section 1 and parts of section 5 of
the original bill.

30

32 This amendment restates the state policy concerning abortion
to include a cross-reference to the requirement that a pregnant
woman request and obtain a pregnancy information packet at least
34 24 hours before the abortion is performed. The amendment
provides that a pregnant woman has several sources from which to
36 receive the packet of information related to abortion. The
packet also contains a verification form. The woman must sign
38 and date the form to indicate that she received the packet at
least 24 hours before the abortion. She must also sign the form
40 to indicate that she either read the information or she refused
to read the information.

42

44 Before a physician performs an abortion, the physician must
first receive from the woman the verification form and must
obtain the woman's informed written consent. Both must be made
46 part of the pregnant woman's medical record.

48 This amendment requires the Department of Human Services to

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to H.P. 464, L.D. 630

2 prepare and distribute a pregnancy information packet containing
specified information and a verification form for a pregnant
4 woman to sign and give to the physician performing the abortion.

6 The amendment also adds an appropriation and a fiscal note
to the bill.