

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)



117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1158

H.P. 827

House of Representatives, April 4, 1995

An Act to Preserve the Life of Viable Fetuses.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative MURPHY of Berwick.
Cosponsored by Representatives: AHEARNE of Madawaska, FARNUM of South Berwick,
JOY of Crystal, KEANE of Old Town, ROBICHAUD of Caribou, VIGUE of Winslow,
Senator: PARADIS of Aroostook.

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

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

Sec. 1. 22 MRSA §1594, as enacted by PL 1977, c. 696, §186, is amended to read:

§1594. Failure to preserve life of live-born person

It is the public policy of the State that an abortion performed upon a pregnant woman after viability must be conducted in such a manner as to prevent the death of the unborn fetus, if at all possible. Whenever an abortion is to be performed after viability, under the limited circumstances permitted in this Title, the physician performing the abortion shall make provisions for a 2nd physician, qualified in pediatric medicine and possessing all other relevant qualifications, to attend the abortion for the purpose of caring for the fetus. The physician performing the abortion shall select an abortion technique that preserves and protects the life of the unborn fetus and, to the fullest extent possible, is calculated to produce a live fetus after the abortion has been completed. This section does not require the physician performing the abortion to employ any procedures or take any measures that pose a serious risk to the life of the mother.

Whenever an abortion procedure results in a live birth, failure to take all reasonable steps, in keeping with good medical practice, to preserve the life and health of the ~~live born~~ live-born person shall--~~subject~~ subjects the responsible party or parties to Maine state law governing homicide, manslaughter and civil liability for wrongful death and medical malpractice.

STATEMENT OF FACT

This bill requires an abortion to be performed in a manner that is best calculated to preserve the life of the fetus and requires that a 2nd physician be present to provide all appropriate care to the fetus after birth.