

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 4

H.P. 7

House of Representatives, January 7, 1997

An Act to Preserve the Life of Viable Fetuses.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative AHEARNE of Madawaska.
Cosponsored by Senator PARADIS of Aroostook and
Representatives: DESMOND of Mapleton, DRISCOLL of Calais, JOY of Crystal, LANE of
Enfield, MERES of Norridgewock, SIROIS of Caribou, WATERHOUSE of Bridgton,
Senator: CASSIDY of Washington.

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

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

6 **§1594. Failure to preserve life of live-born person**

8 It is the public policy of the State that an abortion
10 performed upon a pregnant woman after viability must be conducted
12 in such a manner as to prevent the death of the unborn fetus, if
14 at all possible. Whenever an abortion is to be performed after
16 viability, under the limited circumstances permitted in this
18 Title, the physician performing the abortion shall make
20 provisions for a 2nd physician, qualified in pediatric medicine
22 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.

24
26 Whenever an abortion procedure results in a live birth,
28 failure to take all reasonable steps, in keeping with good
30 medical practice, to preserve the life and health of the live
32 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.

34 **SUMMARY**

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