

# MAINE STATE LEGISLATURE

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L.D. 535

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DATE: 4-9-97

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**REPORT B**  
**JUDICIARY**

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**STATE OF MAINE**  
**HOUSE OF REPRESENTATIVES**  
**118TH LEGISLATURE**  
**FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H.P. 390, L.D. 535, Bill, "An Act to Ban Partial Birth Abortions"

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

**'An Act Concerning Partial Birth Abortions'**

Further amend the bill by striking out everything after the enacting clause and before the summary 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 1597-A. After viability an abortion may be performed only when it is necessary to preserve the life or health of the mother. The intact dilation and evacuation method of abortion may not be performed after viability unless, in the medical judgment of the attending physician, the abortion 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.

**Sec. 2. 22 MRSA §1598, sub-§2, ¶A, as enacted by PL 1979, c. 405, §2, is amended to read:**

**COMMITTEE AMENDMENT**

R/S

COMMITTEE AMENDMENT "B" to H.P. 390, L.D. 535

2 A. "Abortion" means the intentional interruption of a  
pregnancy by the application of external agents, whether  
4 chemical or physical or by the ingestion of chemical agents  
with an intention other than to produce a live birth or to  
6 remove a dead fetus. "Abortion" includes partial birth  
abortion.

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**SUMMARY**

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This amendment is a minority report. It replaces the bill.  
12 It clarifies the definition of "abortion" to specifically state  
that it includes partial birth abortion. This change makes it  
14 clear that the state policy concerning post-viability abortions,  
prohibited except when the abortion is necessary to protect the  
16 life or health of the mother, applies to partial birth abortions.

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This amendment amends the policy statement to clarify that  
the use of the dilation and evacuation method of abortion after  
20 viability is restricted to only those situations in which the  
abortion is necessary preserve the life or health of the mother.

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