

MAINE STATE LEGISLATURE

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

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

Amend the bill by striking out all of sections 1 and 2 and inserting in their place the following:

Sec. 1. 22 MRSA §1597-B is enacted to read:

§1597-B. Destroying unborn child

A person who, during the birth process of a mother, destroys the vitality or life in a child who is in a state of being born, and that child otherwise would have been born alive, notwithstanding Title 17-A, chapter 51, is subject to imprisonment for life or for any term of years that is not less than 5. The sentence of the court must specify the length of the sentence to be served and must commit the person to the Department of Corrections.

Sec. 2. 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 Except as provided in section 1597-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.'

FISCAL NOTE

This amendment changes the potential impact on the Department of Corrections by eliminating the provisions that may have increased prosecutions for Class C crimes and by adding provisions that may increase prosecutions for crimes with penalty provisions that specify a term of imprisonment in state correctional facilities for life or for not less than 5 years. The cost to the State for sentences served in state correctional facilities is \$79.75 per prisoner per day.

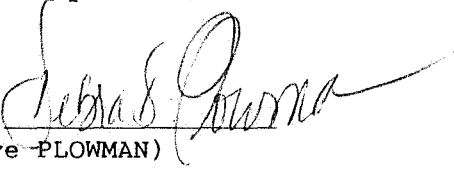
This amendment may also increase prosecutions for Class D crimes. If a jail sentence is imposed, the additional costs to the counties are estimated to be \$83.78 per day per prisoner. These costs are not reimbursed by the State. The number of prosecutions that may result in a jail sentence and the resulting costs to the county jail system are expected to be insignificant.

This amendment may also increase the indigent defense costs incurred by the Judicial Department. The amounts of additional General Fund appropriations that may be required can not be estimated at this time.

SUMMARY

This amendment provides a penalty of life imprisonment or at least 5 years for any person who destroys the life of a child who is being born if that child otherwise would have lived. This amendment is based upon Texas law.

SPONSORED BY:

(Representative  PLOWMAN)

TOWN: Hampden