

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 119

H.P. 115

House of Representatives, January 11, 2001

**An Act to Ban Partial Birth Abortion in the 3rd Trimester Except to Save
the Life of the Mother.**

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative DAVIS of Falmouth.

Cosponsored by Representative KASPRZAK of Newport, Senator DAVIS of Piscataquis and
Representatives: BERRY of Belmont, MacDOUGALL of North Berwick, SNOWE-MELLO
of Poland, WESTON of Montville.

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

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; provided, however, that during the 3rd trimester of pregnancy, a partial birth abortion may be performed only when it is necessary to preserve the life 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-1 is enacted to read:

A-1. "Partial birth abortion" means an abortion procedure that includes the deliberate and intentional evacuation of all or a part of the intracranial contents of a viable fetus prior to removal of the otherwise intact fetus from the body of a pregnant woman.

Sec. 3. 22 MRSA §1598, sub-§5 is enacted to read:

5. Partial birth abortions; civil violation. In addition to the penalties specified in subsections 3 and 4, a person who performs a partial birth abortion during the mother's 3rd trimester of pregnancy that is not done for the preservation of the life of the mother is subject to a civil penalty not to exceed \$5,000, payable to the State. This penalty is recoverable in a civil action.

SUMMARY

This bill prohibits a physician from performing a partial birth abortion during a mother's 3rd trimester of pregnancy unless it is necessary to preserve the life of the mother. Partial birth abortion is defined and a civil penalty of up to \$5,000 is specified.