

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
120TH LEGISLATURE  
FIRST REGULAR SESSION

HOUSE AMENDMENT "H" to COMMITTEE AMENDMENT "A" to H.P. 1125, L.D. 1494, Bill, "An Act to Require Parental Notification of Abortion"

Amend the amendment by inserting after the title and before the first indented paragraph the following:

'Amend the bill by striking out all of sections 5 and 6 and inserting in their place the following:

'Sec. 5. 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 subchapter II. 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.

Sec. 6. 22 MRSA c. 263-B, sub-c. II is enacted to read:

SUBCHAPTER II

ABORTIONS FOR MINORS

§1600. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Counselor. "Counselor" means any of the following:

A. A psychiatrist;

B. A psychologist licensed under Title 32, chapter 56;

C. A social worker licensed under Title 32, chapter 83;

D. An ordained member of the clergy;

E. A physician's assistant registered by the Board of Licensure in Medicine under Title 32, chapter 48;

F. A nurse practitioner licensed under Title 32, chapter 31 and registered by the Board of Licensure in Medicine under Title 32, chapter 48;

G. A certified guidance counselor;

H. A registered professional nurse licensed under Title 32, chapter 31; or

I. A practical nurse licensed under Title 32, chapter 31.

The counselor may not be a person who is employed by any person or organization that either provides abortion services or makes abortion referrals to a person or organization that provides abortion services.

2. Parent. "Parent" means one of a pregnant minor's parents, or a guardian or custodian.

3. Physician. "Physician" means a person licensed under Title 32, chapter 36 or 48 to practice medicine in the State as an osteopathic or medical physician.

4. Trial court. "Trial court" means a District Court in whose district a pregnant minor has her residence, a District Court in whose district a hospital, clinic or other facility in which an abortion would be performed or induced is located, a Probate Court in whose county a pregnant minor has her residence or a Probate Court in whose county a hospital, clinic or other facility in which an abortion would be performed or induced is located.

5. Unemancipated. "Unemancipated" means a minor who is unmarried, is under 18 years of age, has not entered the Armed

Services of the United States, is not employed full time and is not self-subsisting or otherwise independent from the care and control of her parent.

**§1600-A. Parental notification required; exceptions**

**1. Prerequisites to abortion.** A physician may not knowingly perform or induce an abortion for a pregnant minor who is unemancipated unless one of the following applies:

A. The physician has given a 24-hour notice, in person or by telephone, to the minor's parent, of the intention to perform or induce the abortion and an adult accompanies the minor to the office of the physician at the time of the abortion;

B. The pregnant minor claims she has been subjected to abuse or neglect such that notification of the minor's parent is not in the minor's best interest and the minor's counselor accompanies the minor to the office of the physician at the time of the abortion. The physician must report the claim of abuse or neglect as required under section 4011; or

C. A trial court has issued an order under Title 14, section 8404 authorizing the minor to consent to the abortion and an adult accompanies the minor to the office of the physician at the time of the abortion, or a trial court, by its inaction, constructively has authorized the pregnant minor to consent to the abortion without notification of her parent pursuant to Title 14, section 8403, subsection 1 or Title 14, section 8406, subsection 4.

**§1600-B. Coercion prohibited**

A parent, guardian or any other person may not coerce a minor to have an abortion performed. If a minor is denied financial support by the minor's parents due to the minor's refusal to have an abortion performed, the minor is deemed emancipated for the purposes of eligibility for public-assistance benefits, except that those benefits may not be used to obtain an abortion.

**§1600-C. Documentation; notice**

If neither section 1600-A, subsection 1, paragraph B or C applies and if the parent can not be reached after a reasonable effort, a physician may not perform or induce an abortion without giving at least 48 hours' constructive notice to one of the minor's parents by both certified and ordinary mail sent to the

2 last known address of the parent. The 48-hour period begins when  
3 the certified mail notice is received and signed for by the  
4 parent. If a parent of the pregnant minor is not reached within  
5 a 48-hour period, the abortion may be performed or induced even  
6 if the certified mail notice is not received.

7 If a parent who has been notified clearly and unequivocally  
8 expresses a decision not to consult with the pregnant minor  
9 before the pregnant minor's abortion, then the abortion may be  
10 performed or induced without any further waiting period.'

11 Further amend the amendment in the first paragraph after the  
12 title in the first line (page 1, line 22 in amendment) by  
13 striking out the following: "Amend" and inserting in its place  
14 the following: 'Further amend'

### 18 FISCAL NOTE

19 As amended, this bill removes the minor costs associated  
20 with the Bureau of Health within the Department of Human Services  
21 revising the monthly reporting forms used by physicians to  
22 include the number of parental notifications issued, the number  
23 of exceptions made and the type of exception, as well as the cost  
24 associated with compiling the additional data reported.

25 As amended, this bill removes the minor costs associated  
26 with the prosecution of Class D crimes.

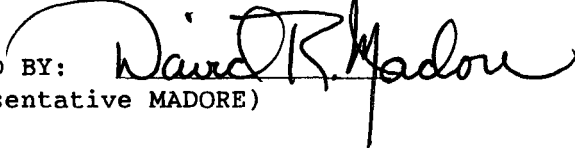
27 As amended, this bill removes the minor costs associated  
28 with the additional workload, administrative costs and indigent  
29 defense costs related to the minimal number of new cases filed in  
30 the court system. This bill, as amended, also removes the minor  
31 increase in revenue associated with the collection of additional  
32 fines.

### 36 SUMMARY

37 This amendment provides a 3rd option besides parental  
38 notification or judicial review. Under this amendment, if the  
39 pregnant minor alleges abuse or neglect such that notifying the  
40 minor's parent is not in the minor's best interest, an abortion  
41 may be performed if the minor is accompanied by an adult  
42 counselor to the physician's office. The amendment provides a  
43 definition of "counselor" that ensures that the counselor may  
44 have no affiliation with an organization that makes abortion  
45

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1125,  
L.D. 1494

referrals or provides abortion services. This amendment also  
corrects a reference to the subchapter on abortions for minors in  
section 5.

SPONSORED BY:   
(Representative MADORE)

TOWN: Augusta