

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1689

S.P. 543

In Senate, March 20, 2001

An Act to Amend the State's Abortion Reporting Law.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator KNEELAND of Aroostook.
Cosponsored by Representative MENDROS of Lewiston and
Senator DAVIS of Piscataquis, Representatives: ANDREWS of York, DAVIS of Falmouth,
DESMOND of Mapleton, DUPREY of Hampden, KASPRZAK of Newport, STEDMAN of
Hartland, WESTON of Montville.

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

2
3 **Sec. 1. 22 MRSA §1596, sub-§2**, as repealed and replaced by PL
4 1989, c. 274, §1, is repealed and the following enacted in its
5 place:

6
7 2. **Abortion reports.** A physician performing an abortion
8 shall file a written report with the department on forms provided
9 by the department.

10 A. The abortion reporting form must contain the following
11 information:

12 (1) The mother's medical record number;

13 (2) The mother's age;

14 (3) The date of the mother's last menstrual period;

15 (4) The clinical estimate of fetal age, based on
16 examination, ultrasound or both;

17 (5) The code number for mother's county of residence.
18 The department shall assign and retain the list of
19 county codes;

20 (6) The code number for physician. The department
21 shall assign and retain the list of physician codes;

22 (7) The month, day and year the abortion was performed;

23 (8) Which of the following abortion procedures was the
24 primary procedure used:

25 (a) Medication, the name of which must be
26 provided;

27 (b) Suction curettage;

28 (c) Dilation and evacuation;

29 (d) Intact dilation and extraction;

30 (e) Other dilation and extraction;

31 (f) Instillation procedure;

32 (g) Hysterectomy or hysterotomy; or

33 (h) Other;

- 2 (9) A list and description of secondary abortion
3 procedures used;
- 4 (10) Any abortion-related complications;
- 6 (11) Whether maternal death resulted from abortion
7 complications;
- 8 (12) Whether anesthesia was used and the specific type;
- 10 (13) The medical reason, if any, for the abortion;
- 12 (14) The reason given by the mother for requesting
13 abortion;
- 14 (15) The number of previous abortions the mother has
15 had;
- 16 (16) The time, place and method of disposal of the
17 aborted fetus; and
- 18 (17) Whether the fetus was dead or alive when
19 delivered.

20 B. The physician performing the abortion shall complete the
21 reporting form with the information required under paragraph
22 A, sign the form and file it with the department within 10
23 days after the end of the month in which the abortion was
24 performed.

25 C. The department shall publish a report each year
26 containing the following information:

- 27 (1) The total number of abortions performed that year;
- 28 (2) The ages of the women having abortions;
- 29 (3) The number of previous abortions the women had;
- 30 (4) A breakdown of abortion procedures by weeks since
31 the last menstrual period;
- 32 (5) The reasons for abortions;
- 33 (6) Number and types of abortion-related complications
34 and number of abortion-related deaths; and
- 35 (7) The number of violations of the reporting
36 requirements.

2 The department shall make the report available to the public
3 at no charge, and available on the department's publicly
4 accessible site on the Internet.

6 D. The identity of a patient or a physician reporting
7 pursuant to this subsection is confidential. The department
8 shall take steps necessary to ensure the confidentiality of
9 patients and physicians, unless there is a suspected
10 violation of this subsection, in which case the department
11 shall report the name of the physician to law enforcement
12 officials responsible for investigating and enforcing this
13 subsection.

14 E. A physician who fails to report the required information
15 commits a Class D crime.

18 F. A person who falsifies or alters an abortion reporting
19 form commits a civil violation for which a forfeiture of not
20 more than \$1,000 may be adjudged. The penalty for failure
21 to comply with the abortion reporting requirements pursuant
22 to this subsection must be stated on the printed abortion
23 reporting forms.

24 G. Repeated or willful underreporting under this subsection
25 results in referral to the Board of Licensure in Medicine
26 for appropriate penalty.

28 Nothing in this subsection may be construed to create a right to
29 have an abortion.

32

SUMMARY

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36 This bill revises the abortion reporting law to require the
37 reporting of very specific information about each abortion
38 performed while maintaining the confidentiality of the patients
39 and physicians. It requires the Department of Human Services to
40 compile the information and make a report available on an annual
41 basis. Failure to report as required is a Class D crime.
42 Falsifying or altering a reporting form may result in a
 forfeiture of up to \$1,000.