

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 798

S.P. 277

In Senate, February 20, 2003

An Act To Amend the Abortion Consent Laws

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 GILMAN of Cumberland.
Cosponsored by Representative O'BRIEN of Augusta and
Senators: DAVIS of Piscataquis, KNEELAND of Aroostook, SAVAGE of Knox, WESTON of
Waldo, WOODCOCK of Franklin, Representatives: ANDREWS of York, CROSTHWAITE of
Ellsworth, USHER of Westbrook.

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

2
3 **Sec. 1. 22 MRSA §1599-A, sub-§2**, as enacted by PL 1993, c. 61,
4 §4, is amended to read:

6 **2. Informed consent.** To ensure that the consent for an
7 abortion is truly informed consent, the attending physician shall
8 inform the woman orally and in writing at least 24 hours prior to
9 performing an abortion, in a manner that in the physician's
10 professional judgment is not misleading and that will be
11 understood by the patient, of at least the following:

12 A. According to the physician's best judgment she is
13 pregnant;

14 ~~B. The number of weeks elapsed from the probable time of~~
15 ~~the conception;~~

16 B-1. The probable gestational age and anatomical
17 development of the fetus at the time of the abortion;

18 ~~C. The particular risks associated with her own pregnancy~~
19 ~~and the abortion technique to be performed; and~~

20 C-1. The physical and psychological risks associated with
21 abortion and the abortion technique to be performed, in view
22 of that woman's own pregnancy. These risks must include,
23 but are not limited to, the risks described in the pamphlet
24 published by the Bureau of Health within the department
25 pursuant to subsection 3;

26 ~~D. At the woman's request, alternatives~~ Alternatives to
27 abortion such as childbirth and adoption and information
28 concerning public and private agencies that will provide the
29 woman with economic and other assistance to carry the fetus
30 to term, ~~including, if the woman so requests,~~ a list of
31 these agencies and the services available from each; and

32 E. The name of the physician who is to perform the abortion.

33 **Sec. 2. 22 MRSA §1599-A, sub-§3** is enacted to read:

34 **3. Bureau of Health to publish pamphlet.** The Bureau of
35 Health within the department shall publish and periodically
36 update a pamphlet that describes the known risks of abortion both
37 physical and psychological. The risks described in the pamphlet
38 must include, but are not limited to, perforated uterus,
39 hemorrhage, death, incompetent cervix, retained fetal parts after
40 abortion, grief, sense of loss, anger, depression, alienation and
41 low self-esteem. The Bureau of Health shall send a copy of the

2 pamphlet to each physician licensed and practicing in this
3 State. The Bureau of Health shall adopt rules, which are major
4 substantive rules as described in Title 5, chapter 375,
5 subchapter 2-A, to implement this subsection.

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8 SUMMARY

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10 This bill amends the laws governing informed consent to
11 abortion to require the attending physician to provide the woman
12 with certain information orally and in writing at least 24 hours
13 prior to performing an abortion. It further amends these laws to
14 require that this information include the probable gestational
15 age and anatomical development of the fetus at the time of the
16 abortion; the physical and psychological risks associated with
17 abortion and the abortion technique to be performed, in view of
18 the patient's own pregnancy, including risks identified in a
19 pamphlet that the Department of Human Services, Bureau of Health
20 is required to publish and distribute to doctors; and the name of
the physician who is to perform the abortion.