

# MAINE STATE LEGISLATURE

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**R.O.S.**

L.D. 1129

DATE: 5-16-03

(Filing No. H-436)

**MINORITY  
JUDICIARY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
121ST LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 832, L.D. 1129, Bill, "An Act To Amend the Laws Governing Abortion Reporting"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 22 MRSA §1596, sub-§2, as repealed and replaced by PL 1989, c. 274, §1, is repealed and the following enacted in its place:

2. Abortion reports. A report of each abortion performed must be made to the department on forms prescribed by the department.

A. The report form may not identify the patient by name or otherwise. Any portion of the form that is optional must be clearly marked. The form must include the name of the physician, the date of the abortion, the date of the last menses, if known, the estimated age of the fetus and the procedure used in the abortion. The form may require the reporting of other information.

B. The required portions of the report form must be completely filled out. The report form must be prepared and signed by the attending physician and transmitted to the department no later than 10 days following the end of the month in which the abortion is performed.

**COMMITTEE AMENDMENT**

REFS

COMMITTEE AMENDMENT "A" to H.P. 832, L.D. 1129

2 C. The department shall report a person who violates this  
3 subsection to the Board of Licensure in Medicine within 30  
4 days of each violation. For the purposes of this paragraph,  
5 each incomplete report is a separate violation.

6 D. The department shall adopt rules to implement this  
7 subsection. Rules adopted pursuant to this paragraph are  
8 routine technical rules as defined in Title 5, chapter 375,  
9 subchapter 2-A.

10 **Sec. 2. 22 MRSA §1596, sub-§§4, 5 and 6 are enacted to read:**

11 4. Immunity. A physician who reports data on an abortion  
12 pursuant to this section is immune from any criminal liability  
13 for that abortion under section 1598.

14 5. Public information. The department shall publish and  
15 make available to the public:

16 A. Information and data reported pursuant to subsection 2,  
17 paragraph A within 60 days from the end of the calendar year  
18 for which the report forms were submitted, except that the  
19 name of the physician performing the abortion and the name  
20 of the person completing the form may not be released; and

21 B. The name of every person reported to the Board of  
22 Licensure in Medicine under subsection 2, paragraph C and  
23 the number of times the person violated subsection 2. This  
24 information must be available to the public within 60 days  
25 from the end of the calendar year for which it was reported.

26 6. Confidential information. Except as provided in  
27 subsection 5, the identity of any physician reporting pursuant to  
28 this section and the identity of any patient under this section  
29 is confidential, and the department shall take the steps that are  
30 necessary to ensure that confidentiality.

31 **Sec. 3. 22 MRSA §1596, last ¶, as repealed and replaced by PL**  
32 **1989, c. 274, §1, is repealed.'**

33 **SUMMARY**

34 This amendment is the minority report of the Joint Standing  
35 Committee on Judiciary. It replaces the bill.

36 This amendment repeals and replaces current law concerning  
37 abortion reporting. The amendment also removes from statute the  
38 provision that limited the information reported on an abortion to  
39 that information requested in the United States Standard Report  
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COMMITTEE AMENDMENT "A" to H.P. 832, L.D. 1129

2 of Induced Termination of Pregnancy, published by the National  
Center for Health Statistics. It also clarifies that the name of  
4 the physician who performs an abortion may not be released,  
although the Department of Human Services must make public the  
6 names of physicians who do not comply with the reporting  
requirement.

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**FISCAL NOTE REQUIRED**  
**(See attached)**

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**COMMITTEE AMENDMENT**



**121st Maine Legislature**  
**Office of Fiscal and Program Review**

**LD 1129**

**An Act To Amend the Laws Governing Abortion Reporting**

**LR 1636(02)**

**Fiscal Note for Bill as Amended by Committee Amendment**

**Committee: Judicial**

**Fiscal Note Required: Yes**

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**Fiscal Note**

Undetermined current biennium cost increase - Other Special Revenue Funds

**Fiscal Detail and Notes**

This legislation will increase the number of complaints to be investigated by the Board of Licensure in Medicine, affiliated with the Department of Professional and Financial Regulation. The additional cost associated with the additional investigations can not be determined at this time, however, the Board estimates that each investigation will cost approximately \$1,000 to conduct. The total cost will depend on the number of complaints filed. The ability of the Board of Licensure in Medicine to absorb the additional cost of this measure without increasing fees can not be determined at this time. Any additional costs to the Department of Human Services can be absorbed by the Department utilizing existing resources.