

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 884

S.P. 292

In Senate, February 22, 2005

### An Act To Protect Motherhood

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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 President EDMONDS of Cumberland.  
Cosponsored by Speaker RICHARDSON of Brunswick and  
Senators: BROMLEY of Cumberland, DIAMOND of Cumberland, MILLS of Somerset,  
Representatives: FAIRCLOTH of Bangor, GREELEY of Levant, GROSE of Woolwich,  
MUSE of Fryeburg, PELLETIER-SIMPSON of Auburn.

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

4 **PART A**

6 **Sec. A-1. 19-A MRSA §4013, sub-§4, ¶C**, as amended by PL 2001,  
8 c. 240, §2, is further amended to read:

10 C. The panel shall collect and compile data related to  
12 domestic and sexual abuse, including data relating to deaths  
resulting from domestic abuse when the victim was pregnant  
at the time of death.

14 **Sec. A-2. 22 MRSA §3028, sub-§12** is enacted to read:

16 12. Report to domestic abuse panel. If the Chief Medical  
18 Examiner determines that a death resulted from criminal conduct  
and that the victim was pregnant at the time of death, the Chief  
20 Medical Examiner shall send a copy of any report prepared under  
this section to the Domestic Abuse Homicide Review Panel created  
22 pursuant to Title 19-A, section 4013.

24 **PART B**

26 **Sec. B-1. 17-A MRSA §1251, 2nd ¶**, as enacted by PL 1999, c.  
28 536, §1, is amended to read:

30 In setting the length of imprisonment, if the victim is a  
32 child who had not in fact attained the age of 6 years at the time  
34 the crime was committed or if the victim is a woman that the  
convicted person knew or should have known to be in fact pregnant  
at the time the crime was committed, a court shall assign special  
36 weight to this objective fact in determining the basic sentence  
38 in the first step of the sentencing process. The court shall  
40 assign special weight to any subjective victim impact in  
determining the final sentence in the 2nd and final step in the  
sentencing process. Nothing in this paragraph may be construed  
to restrict a court in setting the length of imprisonment from  
considering the age of the victim in other circumstances when  
relevant.

42 **SUMMARY**

44 **This bill adds to the duties of the Maine Commission on  
46 Domestic and Sexual Abuse. It requires the commission's Domestic  
48 Abuse Homicide Review Panel to collect and review data relating  
to the death of a pregnant woman when death results from criminal**

2           conduct. The bill requires the Chief Medical Examiner to send  
copies of reports of such cases to the panel.

4           The bill also requires a court, when sentencing a person for  
6           murder of a woman that the person knew or should have known to be  
pregnant, to give special weight to the existence of the  
pregnancy.