

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 116

H.P. 98

House of Representatives, January 20, 2011

### An Act To Require a 24-hour Waiting Period prior to an Abortion

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative CLARK of Easton.  
Cosponsored by Senator MASON of Androscoggin and  
Representatives: AYOTTE of Caswell, BURNS of Whiting, CRAFTS of Lisbon, NASS of  
Acton, TIMBERLAKE of Turner, WILLETTE of Mapleton.

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

2 **Sec. 1. 22 MRSA §1597-A, sub-§2**, as enacted by PL 1989, c. 573, §2, is  
3 amended to read:

4 **2. Prohibitions; exceptions.** Except as otherwise provided by law, no person may  
5 knowingly perform an abortion upon a pregnant minor unless:

6 A. The attending physician has received and will make part of the medical record the  
7 informed written consent of the minor and one parent, guardian or adult family  
8 member;

9 B. The attending physician has secured the informed written consent of the minor as  
10 prescribed in subsection 3 and the minor, under all the surrounding circumstances, is  
11 mentally and physically competent to give consent;

12 C. The minor has received the information and counseling required under subsection  
13 4, has secured written verification of receiving the information and counseling and  
14 the attending physician has received and will make part of the medical record the  
15 informed written consent of the minor and the written verification of receiving  
16 information and counseling required under subsection 4; or

17 D. The Probate Court or District Court issues an order under subsection 6 on petition  
18 of the minor or the next friend of the minor for purposes of filing a petition for the  
19 minor, granting:

20 (1) To the minor majority rights for the sole purpose of consenting to the  
21 abortion and the attending physician has received the informed written consent of  
22 the minor; or

23 (2) To the minor consent to the abortion, when the court has given its informed  
24 written consent and the minor is having the abortion willingly, in compliance  
25 with subsection 7.

26 The attending physician may not perform an abortion upon a pregnant minor before 24  
27 hours have passed since the physician has secured the informed written consent of the  
28 minor, unless there is a medical emergency.

29 **Sec. 2. 22 MRSA §1598, sub-§2**, as enacted by PL 1979, c. 405, §2, is amended  
30 to read:

31 **2. Definitions.** As used in this section and in sections 1597-A and 1599-A, unless  
32 the context otherwise indicates, the following terms ~~shall~~ have the following meanings.

33 A. "Abortion" means the intentional interruption of a pregnancy by the application  
34 of external agents, whether chemical or physical or by the ingestion of chemical  
35 agents with an intention other than to produce a live birth or to remove a dead fetus.

36 A-1. "Medical emergency" means a condition that, on the basis of the physician's  
37 good faith clinical judgment, so complicates the medical condition of a pregnant  
38 woman as to necessitate the immediate abortion of her pregnancy to avert her death

1 or to avoid a delay that would create serious risk of substantial and irreversible  
2 impairment of a major bodily function.

3 B. "Viability" means the state of fetal development when the life of the fetus may be  
4 continued indefinitely outside the womb by natural or artificial life-supportive  
5 systems.

6 **Sec. 3. 22 MRSA §1599-A, sub-§1-A** is enacted to read:

7 **1-A. Twenty-four-hour period.** Except in the case of a medical emergency, a  
8 physician may not perform an abortion until 24 hours have passed after the woman gives  
9 her informed written consent under subsection 1.

10 **SUMMARY**

11 This bill requires a 24-hour waiting period prior to an abortion except in the case of a  
12 medical emergency.