

MAINE STATE LEGISLATURE

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Date 6/20/23

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L D 934
(Filing No H-655)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "D" to H P 581, L D 934, "An Act to Amend the Laws Governing Damages Awarded for Wrongful Death"

Amend the bill by inserting before section 1 the following

Sec. 1. 18-C MRSA §2-807, sub-§1-A is enacted to read

1-A. Liability for abortion without consent of father. The abortion of a fetus is the death of a person caused by a wrongful act, neglect or default of the mother under subsection 1, unless the mother seeking the abortion obtains consent from the father of the fetus prior to having the abortion. If a mother has an abortion without first obtaining consent from the father of the fetus, the father may maintain an action and recover damages under this section. If the father does not maintain an action against the mother under this section, an immediate family member may maintain an action against the mother under this section but any damages that would have been recovered by the immediate family member must be donated to a public charity, as defined in Title 5, section 194, subsection 1, determined by the family member, except that the damages may not be donated to

A The Planned Parenthood Federation of America, Inc or any of its subsidiary or successor organizations,

B Any public charity that provides abortions or services in support of abortion, or

C Any public charity that provides funding, support or protection for abortions or that has spoken or issued public statements in support of abortion

Under this subsection, a fetus that has been aborted is considered a family member who has died. A father or immediate family member who brings an action under this subsection may give a name to that deceased family member and bring the action in the name of that family member. A father and an immediate family member may not bring separate claims under this subsection.

As used in this subsection, "abortion" has the same meaning as in Title 22, section 1598, subsection 2, paragraph A.

COMMITTEE AMENDMENT



COMMITTEE AMENDMENT "D" to H P 581, L D 934

1 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
2 number to read consecutively

3 **SUMMARY**

4 This amendment, which is a minority report of the committee, creates a wrongful death
5 cause of action for the father or immediate family member of an aborted fetus unless the
6 mother seeking the abortion obtains consent from the father of the fetus prior to having the
7 abortion. The amendment requires that damages awarded in an action brought by an
8 immediate family member must be donated to a public charity determined by the family
9 member, but that the public charity may not be affiliated with Planned Parenthood
10 Federation of America, Inc, provide abortion services or provide support for abortions

11 **FISCAL NOTE REQUIRED**

12 (See attached)



131st MAINE LEGISLATURE

LD 934

LR 2030(04)

An Act to Amend the Laws Governing Damages Awarded for Wrongful Death

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Judiciary

Fiscal Note Required: Yes

D (H655)

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

May increase the number of civil suits filed in the court system

The additional workload associated with the minimal number of new cases filed in the court system does not require additional funding at this time

The collection of additional filing fees will increase General Fund revenue by minor amounts