

# MAINE STATE LEGISLATURE

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Date 6/22/23 Majority

L D 1619  
(Filing No H-700)

JUDICIARY

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

COMMITTEE AMENDMENT "A" to H P 1044, L D 1619, "An Act to Improve Maine's Reproductive Privacy Laws"

Amend the bill in section 2 in subsection 1 in the 3rd, 4th and 5th lines (page 1, lines 19 to 21 in L D ) by striking out the following "After viability an abortion may be performed only when it is necessary to preserve the life or health of the mother in the professional judgment of a physician licensed pursuant to Title 32, chapter 36 or 48 " and inserting the following 'After viability an abortion may be performed only when it is necessary to preserve the life or health of the mother.'

Amend the bill by inserting after section 2 the following

'Sec. 3. 22 MRSA §1598, sub-§1-A is enacted to read

1-A. Abortion after viability. After viability, an abortion may be performed only when it is necessary in the professional judgment of a physician licensed pursuant to Title 32, chapter 36 or 48. The physician shall apply the applicable standard of care in making a professional judgment under this subsection.'

Amend the bill in section 3 in subsection 3 in the first line (page 1, line 26 in L D ) by striking out the following "penalties" and inserting the following '; penalties'

Amend the bill in section 3 in subsection 3 in paragraph A in the last line (page 1, line 30 in L D ) by inserting after the following "person " the following 'Nothing in this paragraph limits the applicability of Title 32, section 3270 or any other civil or criminal law that may apply'

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

SUMMARY

This amendment, which is the majority report of the committee, clarifies that an abortion may be performed after viability only when the abortion is necessary in the professional judgment of a licensed physician. In making this professional judgment, the

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to H P 1044, L D 1619

1 physician must apply the applicable standard of care. The amendment also clarifies that a  
2 person who performs an abortion without being licensed as a physician, physician assistant  
3 or advanced practice registered nurse may be subject to criminal prosecution for  
4 committing the Class E crime of unlicensed practice of medicine and may also be subject  
5 to additional civil or criminal penalties under other provisions of law.

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**FISCAL NOTE REQUIRED**

(See attached)



# 131st MAINE LEGISLATURE

LD 1619

LR 2454(02)

## An Act to Improve Maine's Reproductive Privacy Laws

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-700)

Committee: Judiciary

Fiscal Note Required: Yes

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### Fiscal Note

Current biennium savings - General Fund  
Minor revenue decrease - General Fund  
Minor revenue decrease - Other Special Revenue Funds

#### Correctional and Judicial Impact Statements

Eliminates Class C and D crimes. The Class C crime eliminated pertains to performing an abortion without being licensed as a physician, physician assistant or advanced practice registered nurse. The current average cost of incarcerating one individual for a single year is \$55,203.

There may be some minor reduction of workload associated with the minimal number of felony cases that will no longer be filed in the court system.

Reductions in the collection of fines will decrease General Fund or other dedicated revenue by minor amounts.

#### Fiscal Detail and Notes

Any additional costs to the Department of Health and Human Services to revise the form for collecting the required data are expected to be minor and can be absorbed within existing budgeted resources.