

MAINE STATE LEGISLATURE

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ACTS, RESOLVES AND CONSTITUTIONAL RESOLUTIONS

AS PASSED BY THE

One Hundred and Sixth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with the Revised Statutes of 1964, Title 3, Section 164, Subsection 6.

THE KNOWLTON AND McLEARY COMPANY
FARMINGTON, MAINE
1973

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Sixth Legislature

1973

of the public laws of 1969 and as repealed and replaced by section 9 of chapter 564 of the public laws of 1969, is amended to read as follows:

The state authority may authorize the issuance of revenue bonds of the authority in the manner and as provided in section 4751 for any of its authorized purposes including the purchase of first mortgage loans or evidences thereof ~~made not more than 6 months prior to such purchase~~, for residential housing in the State of Maine from the financial institutions and other agencies specified in section 4756.

Sec. 4. R. S., T. 30, § 4760, amended. The last paragraph of section 4760 of Title 30 of the Revised Statutes, as enacted by section 18 of chapter 470 and as repealed and replaced by section 9 of chapter 564, both of the public laws of 1969, is repealed and the following enacted in place thereof:

The state authority may not purchase such first mortgage loan or evidence of such loan unless at least a reasonable number of the families or individuals who occupy or will occupy the mortgage premises are persons of low income as defined in this subchapter. The state authority shall insure that the mortgaged premises is continued in use for the originally planned purpose so long as said use is economically and socially reasonable.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 14, 1973

CHAPTER 518

AN ACT to Provide Protection of Fetal Life and the Rights of Physicians, Nurses, Hospitals and Others Relating to Abortions.

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

Sec. 1. R. S., T. 22, § 1572, additional. Title 22 of the Revised Statutes is amended by adding a new section 1572, to read as follows:

§ 1572. Immunity and employment protection

No physician, nurse or other person who refuses to perform or assist in the performance of an abortion, and no hospital or health care facility that refuses to permit the performance of an abortion upon its premises, shall be liable to any person, firm, association or corporation for damages allegedly arising from the refusal, nor shall such refusal constitute a basis for any civil liability to any physician, nurse or other person, hospital or health care facility nor a basis for any disciplinary or other recriminatory action against them or any of them by the State or any person.

No physician, nurse or other person, who refuses to perform or assist in the performance of an abortion, shall, because of that refusal, be dismissed, suspended, demoted or otherwise prejudiced or damaged by a hospital, health care facility, firm, association, professional association, corporation or educa-

tional institution with which he or she is affiliated or requests to be affiliated or by which he or she is employed, nor shall such refusal constitute grounds for loss of any privileges or immunities to which such physician, nurse or other person would otherwise be entitled nor shall submission to an abortion or the granting of consent therefor be a condition precedent to the receipt of any public benefits.

Sec. 2. R. S., T. 22, § 1573, additional. Title 22 of the Revised Statutes is amended by adding a new section 1573, to read as follows:

§ 1573. Discrimination for refusal

No person, hospital, health care facility, firm, association, corporation or educational institution, directly or indirectly, by himself or another, shall discriminate against any physician, nurse or other person by refusing or withholding employment from or denying admittance, when such physician, nurse or other person refuses to perform, or assist in the performance of an abortion, nor shall such refusal constitute grounds for loss of any privileges or immunities to which such physician, nurse or other person would otherwise be entitled.

Sec. 3. R. S., T. 22, § 1574, additional. Title 22 of the Revised Statutes is amended by adding a new section 1574, to read as follows:

§ 1574. Sale and use of fetuses

Whoever shall use, transfer, distribute or give away any live human fetus, whether intrauterine or extrauterine, or any product of conception considered live born for scientific experimentation or for any form of experimentation shall be punished by a fine of not more than \$5,000 and by imprisonment for not more than 5 years and any person consenting, aiding or assisting shall be liable to like punishment.

Sec. 4. R. S., T. 22, § 1575, additional. Title 22 of the Revised Statutes is amended by adding a new section 1575, to read as follows:

§ 1575. Failure to preserve life of live born person

Whenever an abortion procedure results in a live birth, failure to take all reasonable steps, in keeping with good medical practice, to preserve the life and health of the live born person shall subject the responsible party or parties to Maine law governing homicide, manslaughter and civil liability for wrongful death and medical malpractice.

Sec. 5. R. S., T. 22, § 1576, additional. Title 22 of the Revised Statutes is amended by adding a new section 1576, to read as follows:

§ 1576. Live born and live birth, defined

"Live born" and "live birth," as used in sections 1574 and 1575, shall mean a product of conception after complete expulsion or extraction from its mother, irrespective of the duration of pregnancy, which breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord or definite movement of voluntary muscles, whether or not the umbilical cord

has been cut or the placenta is attached. Each product of such a birth is considered live born and fully recognized as a human person under Maine law.

Effective October 3, 1973

CHAPTER 519

AN ACT Permitting Sale of Liquor at Certain Golf Courses.

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

Sec. 1. R. S., T. 28, § 2, sub-§ 16, amended. The first sentence of the 2nd paragraph of subsection 16 of section 2 of Title 28 of the Revised Statutes, as repealed and replaced by chapter 363 of the public laws of 1965, is amended to read as follows:

Without limitation of its other powers, the commission shall not approve as a proper place for the exercise of the license privilege, amusement areas primarily for minors, ~~golf courses~~ beaches or any other area designed primarily for use by minors.

Sec. 2. R. S., T. 28, § 2, sub-§ 16, amended. Subsection 16 of section 2 of Title 28 of the Revised Statutes, as repealed and replaced by chapter 363 of the public laws of 1965, is amended by adding a new paragraph after the 2nd paragraph, to read as follows:

Premises shall include places having as a part thereof a regulation size golf course, of a value of at least \$100,000, open to the public and having not less than 9 holes and an average total of not less than 2,400 yards per 9 holes.

Sec. 3. R. S., T. 28, § 101, sub-§§ 2 and 4, amended. Subsections 2 and 4 of section 101 of Title 28 of the Revised Statutes, as repealed and replaced by section 1 of chapter 49 of the public laws of 1967, are amended to read as follows:

2. Shall licenses be granted in this city or town for the sale herein of wine and spirits to be consumed on the premises? (Hotel and Club and **part-time Golf Courses**)

4. Shall licenses be granted in this city or town for sale herein of malt liquor (beer, ale and other malt liquors) to be consumed on the premises? (Beer and Ale in Restaurants, Hotels and Clubs and **part-time Golf Courses**)

Sec. 4. R. S., T. 28, § 701, amended. The 4th paragraph of section 701 of Title 28 of the Revised Statutes, as amended by chapter 95 of the public laws of 1967, is further amended to read as follows:

The commission may grant part-time licenses for a period not in excess of 6 consecutive months from the date of issuance by the commission and golf courses as defined in section 2, subsection 16 may only be granted such part-time licenses.