

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

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2. Candidates for nomination by nomination petition. Candidates for nomination by nomination petition shall withdraw their enrollment 3 months before the required date for filing of the nomination petition.

Sec. 2. 21 MRSA § 493, as repealed and replaced by PL 1977, c. 425, § 2, is repealed and the following enacted in its place:

§ 493. Qualification of candidate for nomination by petition

A person who seeks nomination by petition shall become qualified by filing a nomination petition and consent as provided in sections 494 and 495. The person shall also withdraw his enrollment in a party, as provided in section 135, 3 months before the filing date for the nomination petition.

Notwithstanding the provisions of section 494, if any office is not contested, the deadline for filing a nomination petition with the Secretary of State shall be 5 p.m. on the date of the primary election in the election year in which that person will be a candidate. Failure to file the nomination petition prior to 5 p.m. on this date shall result in that person's ineligibility to be a candidate for election to that office in that calendar year.

Sec. 3. 21 MRSA § 494, sub-§ 9, as enacted by PL 1977, c. 425, § 2, is amended to read:

9. **Filed with Secretary of State.** The petition shall be filed in the office of the Secretary of State by or before 5 p.m. on the date of the primary election in **April 1st** of the election year in which it is to be used.

Effective September 14, 1979

CHAPTER 360

S. P. 484 — L. D. 1482

AN ACT to Insure that Informed Consent is Obtained before an Elective Abortion is Performed.

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

22 MRSA § 1598 is enacted to read:

§ 1598. **Informed consent to abortion**

1. **Consent by the woman.** No physician shall perform an abortion unless, prior to the performance, the attending physician certifies in writing that the

woman gave her informed written consent, freely and without coercion. He shall also certify that, not less than 48 hours prior to her consent, he informed the woman of the information contained in subsection 2. He shall further certify in writing the pregnant woman's age based upon proof of age offered by her.

2. **Informed consent.** In order to insure that the consent for an abortion is truly informed consent, the attending physician shall inform the woman in a manner which, in his professional judgment, is not misleading and which will be understood by the patient, of at least the following:

- A. According to his best judgment she is pregnant;
- B. The number of weeks elapsed from the probable time of the conception;
- C. The particular risks associated with her own pregnancy and the abortion technique to be performed; and
- D. Alternatives to abortion such as childbirth and adoption and information concerning public and private agencies that will provide the woman with economic and other assistance to carry the fetus to term, including, if the woman so requests, a list of these agencies and the services available from each.

3. **Exception.** The 48-hour period required in subsection 1 shall not be required if an abortion is immediately necessary to preserve the life or health of the pregnant women.

Effective September 14, 1979

CHAPTER 361

H. P. 1149 — L. D. 1416

AN ACT to Clarify the Authority of the Public Utilities Commission in the Enforcement of Rebate Orders.

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

35 MRSA § 313, 2nd sentence, as repealed and replaced by PL 1977, c. 411, is amended to read:

The commission shall have all implied and inherent powers pursuant to chapters 1 to 17 which are necessary and proper to faithfully execute its express powers and functions specified in chapters 1 to 17, **including the power to order reparation or adjustment when it finds that an amount charged to or collected from a customer**