

# MAINE STATE LEGISLATURE

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**LAWS**

OF THE

**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FOURTEENTH LEGISLATURE

**FIRST REGULAR SESSION**

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
SEPTEMBER 30, 1989

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Company  
Augusta, Maine  
1989

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**1989**

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## CHAPTER 274

S.P. 500 - L.D. 1374

**An Act to Clarify Reporting Requirements for Induced and Spontaneous Abortions**

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

**Sec. 1. 22 MRSA §1596**, as amended by PL 1979, c. 363, §§1 to 4, is repealed and the following enacted in its place:

**§1596. Abortion and miscarriage data**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

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

**B. "Miscarriage"** means an interruption of a pregnancy other than as provided in paragraph A of a fetus of less than 20 weeks gestation.

**2. Abortion reports.** A report of each abortion performed shall be made to the Department of Human Services on forms prescribed by the department. These report forms shall not identify the patient by name or otherwise and shall contain only the information requested on the United States Standard Report of Induced Termination of Pregnancy, published by the National Center for Health Statistics, dated January 1978, or any more recent revision of a standard report form.

The form containing that information and data shall be prepared and signed by the attending physician and transmitted to the department not later than 10 days following the end of the month in which the abortion is performed.

A physician who reports data on an abortion pursuant to this section shall be immune from any criminal liability for that abortion under section 1598.

**3. Miscarriage reports.** A report of each miscarriage shall be made by the physician in attendance at or after the occurrence of the miscarriage to the Department of Human Services on forms prescribed by the department. These report forms shall contain all of the applicable information required on the certificate of fetal death in current use.

The report form shall be prepared and signed by the attending physician and transmitted to the department not later than 10 days following the end of the month in which the miscarriage occurs.

The identity of any patient or physician reporting pursuant to this section is confidential and the department shall take the steps which are necessary to insure the confidentiality of the identity of patients or physicians reporting pursuant to this section.

**Sec. 2. 22 MRSA §2841, first ¶**, as repealed and replaced by PL 1979, c. 363, §5, is amended to read:

Except as authorized by the department or as required under section 1596, a certificate of each death of a fetus of 20 or more weeks of gestation which occurs in this State shall be filed with the clerk of the municipality where the delivery occurred within 3 14 days after delivery and prior to removal of the fetus from the State.

**Sec. 3. 22 MRSA §2841, sub-§§2 and 3**, are amended to read:

**2. Medical certificate by physician.** The medical certification shall be completed and signed within 24 hours 5 days after delivery by the physician in attendance at or after the ~~delivery~~ except delivery, except when an inquiry as to the cause of fetal death is required by law.

**3. Medical certificate by medical examiner.** When the fetal death occurs without medical attendance upon the mother at or after delivery, or when inquiry as to the cause of fetal death is required by law, the medical examiner shall complete and sign the medical certification within 24 hours 5 days after delivery. A certification need not be completed before the remains are ready for release.

See title page for effective date.

## CHAPTER 275

H.P. 829 - L.D. 1161

**An Act to Make Dam Owners Responsible for the Proper Functioning of Fishways**

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

**Sec. 1. 12 MRSA §§6124 and 6125** are enacted to read:

**§6124. Violations; penalty**

It shall be considered a violation of this subchapter if a fish kill results from the improper operation of a fishway required pursuant to this subchapter. The department may assess a fine equivalent to the value of the fish killed but not more than \$10,000 for each day of that violation.

**§6125. Rules**

The Department of Marine Resources and the Department of Inland Fisheries and Wildlife shall jointly make rules defining "fish kill."