

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 7, 2022 to March 30, 2023

FIRST SPECIAL SESSION
April 5, 2023 to July 26, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NONEMERGENCY LAWS IS
JUNE 29, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NONEMERGENCY LAWS IS
OCTOBER 25, 2023

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

Augusta, Maine
2023

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective July 19, 2023.

CHAPTER 416

H.P. 1044 - L.D. 1619

An Act to Improve Maine's Reproductive Privacy Laws

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

Sec. 1. 22 MRSA §1596, sub-§2, as amended by PL 2019, c. 262, §1, is repealed and the following enacted in its place:

2. Abortion reports. A report of each abortion performed must be made to the Department of Health and Human Services in a manner prescribed by the department. These reports may not identify the patient by name or include other identifying information.

The report must include, without limitation, the following information:

- A. The date and place the abortion was performed;
- B. The age of the person on whom the abortion was performed;
- C. The method used to perform the abortion; and
- D. The gestational age of the fetus when the abortion was performed.

The report containing the information and data required by this subsection must be transmitted by the health care provider to the department not later than 10 days following the end of the month in which the abortion is performed.

Sec. 2. 22 MRSA §1598, sub-§1, as amended by PL 2019, c. 262, §4, is further amended to read:

1. Policy. It is the public policy of the State that the State not restrict a woman's exercise of her private decision to terminate a pregnancy before viability except as provided in section 1597-A. ~~After viability an abortion may be performed only when it is necessary to preserve the life or health of the mother.~~ It is also the public policy of the State that all abortions may be performed only by a health care professional, as defined in section 1596, subsection 1, paragraph C.

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.

Sec. 4. 22 MRSA §1598, sub-§3, as amended by PL 2019, c. 262, §5, is further amended to read:

3. Persons who may perform abortions; penalties.

A. Only a person licensed under Title 32, chapter 36 or 48 to practice in the State as an osteopathic or medical physician or physician assistant or a person licensed under Title 32, chapter 31 to practice in the State as an advanced practice registered nurse may perform an abortion on another person. Nothing in this paragraph limits the applicability of Title 32, section 3270 or any other civil or criminal law that may apply.

~~B. Any person not so licensed who knowingly performs an abortion on another person or any person who knowingly assists a nonlicensed person to perform an abortion on another person is guilty of a Class C crime.~~

Sec. 5. 22 MRSA §1598, sub-§4, as corrected by RR 2021, c. 2, Pt. B, §98, is repealed.

See title page for effective date.

CHAPTER 417

H.P. 538 - L.D. 849

An Act to Implement the Recommendations of the Working Group to Review the Process for Ongoing Review of Tax Expenditures by the Legislature

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

Sec. 1. 3 MRSA §993, as enacted by PL 2001, c. 702, §2, is amended to read:

§993. Committee membership; chairs

The membership of the committee and the selection of chairs are established by joint rule of the Legislature. Beginning with the 132nd Legislature, at least one member of the committee must be a member of the joint standing committee of the Legislature having jurisdiction over taxation matters and at least one member must be a member of the joint standing committee of the Legislature having jurisdiction over economic development matters. No 2 members of the committee may be members of the same joint standing committee of the Legislature and also members of the same political party.

Sec. 2. 3 MRSA §998, sub-§2, as amended by PL 2017, c. 266, §1, is further amended to read: