

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

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Sec. 1. 22 MRSA §1596, sub-§2, as amended by PL 2019, c. 262, §1, is repealed and the following enacted in its place: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