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**STATE OF MAINE
SENATE
128TH LEGISLATURE
FIRST REGULAR SESSION**

SENATE AMENDMENT “ ” to H.P. 241, L.D. 327, Bill, “An Act To Allow a Wrongful Death Cause of Action for the Death of a Viable Fetus”

Amend the bill by adding after section 2 the following:

'Sec. 3. 18-A MRSA §2-804, sub-§(e) is enacted to read:

(e). The estate of an unborn viable fetus may be opened for a period of 2 years from the date of the death of the unborn viable fetus for the sole purpose of the appointment of a personal representative to pursue any appropriate cause of action under this section for a wrongful act, neglect or default that may have caused the death of the unborn viable fetus. This section does not create any other cause of action or claim or status regarding the unborn viable fetus.'

SUMMARY

This amendment specifies that:

1. The estate of an unborn viable fetus may be opened for 2 years after the death of the unborn viable fetus for the sole purpose of appointing a personal representative to pursue an action for wrongful death; and
2. The provision for a cause of action for the wrongful death of an unborn viable fetus does not create any other cause of action or claim or status regarding the unborn viable fetus.

SPONSORED BY: _____

(Senator CUSHING III)

COUNTY: Penobscot

SENATE AMENDMENT