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Date: (Filing No. H-)

JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 581, L.D. 934, “An Act to Amend the Laws Governing Damages Awarded for Wrongful Death”

Amend the bill by inserting before section 1 the following:

'Sec. 1. 18-C MRSA §2-807, sub-§1-A is enacted to read:

1-A. Liability for abortion without consent of father. The abortion of a fetus is the death of a person caused by a wrongful act, neglect or default of the mother under subsection 1, unless the mother seeking the abortion obtains consent from the father of the fetus prior to having the abortion. If a mother has an abortion without first obtaining consent from the father of the fetus, the father may maintain an action and recover damages under this section. If the father does not maintain an action against the mother under this section, an immediate family member may maintain an action against the mother under this section but any damages that would have been recovered by the immediate family member must be donated to a public charity, as defined in Title 5, section 194, subsection 1, determined by the family member, except that the damages may not be donated to:

A. The Planned Parenthood Federation of America, Inc. or any of its subsidiary or successor organizations;

B. Any public charity that provides abortions or services in support of abortion; or

C. Any public charity that provides funding, support or protection for abortions or that has spoken or issued public statements in support of abortion.

Under this subsection, a fetus that has been aborted is considered a family member who has died. A father or immediate family member who brings an action under this subsection may give a name to that deceased family member and bring the action in the name of that family member. A father and an immediate family member may not bring separate claims under this subsection.

As used in this subsection, "abortion" has the same meaning as in Title 22, section 1598, subsection 2, paragraph A.'

COMMITTEE AMENDMENT

1 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
2 number to read consecutively.

3 **SUMMARY**

4 This amendment, which is a minority report of the committee, creates a wrongful death
5 cause of action for the father or immediate family member of an aborted fetus unless the
6 mother seeking the abortion obtains consent from the father of the fetus prior to having the
7 abortion. The amendment requires that damages awarded in an action brought by an
8 immediate family member must be donated to a public charity determined by the family
9 member, but that the public charity may not be affiliated with Planned Parenthood
10 Federation of America, Inc., provide abortion services or provide support for abortions.

11 **FISCAL NOTE REQUIRED**

12 **(See attached)**