

I cannot sign into law a measure which deals with the State's regulation of abortions unless that measure is totally free of ambiguities as well as legal or interpretive infirmities.

For these reasons, I have decided to veto House Bill 1065.

Sincerely,
Marvin Mandel
Governor

Letter from State Law Department on
House Bill 1065

May 25, 1977

The Honorable Marvin Mandel
Governor of Maryland
State House
Annapolis, Maryland 21401

Re: House Bill 1065

Dear Governor Mandel:

This bill (1) requires that abortions performed after the twentieth week of pregnancy be performed in a hospital; (2) provides that certain information be included in the medical record of the patient upon whom an abortion has been performed and (3) in subsection (b) provides that a fetus born alive as a result of an abortion shall be treated as a neglected child and become an abandoned ward of the State unless one or both of the parents of the child agree within thirty days of the birth to accept the parental rights and responsibilities for the child. The bill also imposes a criminal penalty for any person who performs an abortion in violation of subsection (a) of the bill.

The first sentence of subsection (a) provides that abortions performed after the twentieth week of pregnancy shall be performed only in a hospital. At present Maryland law (Art. 43, §137) requires, inter alia, that all terminations of a human pregnancy take place "in a hospital accredited by the Joint Commission for Accreditation of Hospitals and licensed by the State Board of Health and Mental Hygiene". As we have recently confirmed, this current requirement is unconstitutional, principally as a consequence of the decision of the United States Supreme Court in Doe v. Bolton, 410 U.S. 179(1973). A copy of our opinion of May 12, 1977, dealing with this and other issues presented by the