



# Permanent Commission RACIAL, INDIGENOUS & TRIBAL POPULATIONS

## **LD 780 “RESOLUTION, Proposing an Amendment to the Constitution of Maine to Protect Reproductive Autonomy”**

**January 22, 2024**

Senator Carney , Representative Moonen, and Honorable Members of the Joint Standing Judiciary Committee.

My name is Rae Sage, and I am the Policy Coordinator for the Permanent Commission on the Status of Racial, Indigenous, and Tribal Populations. The Permanent Commission’s role is to examine racial disparities across all systems and advise Maine State Government on ways to improve the status and outcomes of historically disadvantaged racial, Indigenous, and tribal populations.

Laws and other State actions that restrict an individual's reproductive autonomy have historically been instruments of structural racism. Structural racism includes the laws, practices, policies, and norms that implicitly or explicitly enforce systems that benefit one group and harm another. In this country's and our state’s darkest moments, governments have used reproductive violence as a means of controlling populations deemed undesirable. LD 780’s goal of making reproductive autonomy a constitutional right protects all identities from the type of violations that have been used to control the reproduction of historically marginalized racial, Indigenous, and tribal populations.

In the early 1900s, 32 states (including Maine) passed eugenic-sterilization laws, resulting in the sterilization of 60,000-70,000 thousand people across the United States.<sup>1</sup> The practice of forced sterilization has been used against Black, Latino, and

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<sup>1</sup> DenHoed, A. (2016). *“The Forgotten Lessons of the American Eugenics Movement.”* The New Yorker. <https://www.newyorker.com/books/page-turner/the-forgotten-lessons-of-the-american-eugenics-movement>

Indigenous populations, as well as people with mental and/or physical disabilities and those who have been incarcerated.

For an example closer to home, the 124th Maine Legislature adopted a Joint Resolution that set forth legislative findings related to the history of Malaga Island, a once thriving multi-racial island community. The Joint Resolution noted that islanders were forcibly relocated to the Maine School for the Feeble Minded, and subject to forced sterilization as permitted by Maine law in 1925.<sup>2</sup> Here we see how raceism, ableism, and eugenic ideals resulted in the sterilization of Maine's own multi-racial citizens.

It is not the State's place to impose its will on personal and private medical decisions. Such power leaves spaces for the abuse and targeting of historically disadvantaged populations. Enshrining the protection of reproductive bodily autonomy into Maine's constitution safeguards some of our most essential rights to exist as humans. Passing LD 780 will allow this issue to be considered by all voters in Maine. Thank you.

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<sup>2</sup> HP 1327 "Joint Resolution Recognizing the Tragic Expulsion of the Residents of Malaga Island, Maine in 1912 and Rededicating Ourselves to the Maine Ideals of Tolerance, Independence and Equality for All Peoples"  
[http://www.mainelegislature.org/legis/bills/bills\\_124th/billpdfs/HP132701.pdf](http://www.mainelegislature.org/legis/bills/bills_124th/billpdfs/HP132701.pdf)