



**TESTIMONY OF GLBTQ LEGAL ADVOCATES & DEFENDERS  
IN OPPOSITION TO  
LD 1930, An Act Regarding Acts of Violence Committed Against a Pregnant Woman**  
Committee on Judiciary  
May 19, 2025

Dear Senator Carney, Representative Kuhn, and Distinguished Members of the Committee on Judiciary,

GLBTQ Legal Advocates & Defenders (GLAD Law) is a nonprofit legal organization that works in New England and nationally to create a just society free of discrimination based on gender identity and expression, HIV status, and sexual orientation. We appreciate the opportunity to submit this testimony in opposition to LD 1930, An Act Regarding Acts of Violence Committed Against a Pregnant Woman.

GLAD Law has long advocated for reproductive justice for all people – which includes the right and ability to build a family in safety. Violence against women and pregnant people remains far too pervasive in Maine and throughout the country. More than one third of Maine women have experienced physical violence from an intimate partner.<sup>1</sup> National data indicate a higher homicide rate for women who were pregnant or within one year of their pregnancy compared to those who were not.<sup>2</sup>

There are a number of steps Maine can take to increase the safety and wellbeing of pregnant women, new parents, and infants and young children. This bill does nothing to advance that goal. Instead, its primary function would be to establish rights in statute for an embryo or fetus, with those rights commencing at conception (a defined term).

Maine law already provides for enhanced penalties for harm to pregnant women. When courts sentence defendants convicted of murdering a pregnant woman, 17-A M.R.S. § 1603 requires courts to assign “special weight” to the fact that the victim was someone who the defendant “knew or had reasonable cause to believe to be in fact pregnant at the time the crime was committed[.]” Courts must also take this factor into account when exercising sentencing discretion for several crimes other than murder, including attempted murder, manslaughter, and aggravated assault. *See* 17-A M.R.S. § 1604(7)(B). And parts of the Maine Criminal Code establish specific crimes against pregnant people. *See* 17-A M.R.S. § 208-C (defining the crime

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<sup>1</sup> Centers for Disease Control and Prevention, *The National Intimate Partner and Sexual Violence Survey: 2016/2017 State Report* 78 (2023), <https://www.cdc.gov/nisvs/documentation/NISVS-2016-2017-State-Report-508.pdf>.

<sup>2</sup> Centers for Disease Control and Prevention, *Violence and Pregnancy* (2024), <https://www.cdc.gov/intimate-partner-violence/about/violence-and-pregnancy.html#:~:text=In%20the%20United%20States%3A,also%20experienced%20it%20before%20pregnancy..>

of “elevated aggravated assault on pregnant person” as a Class A crime); 17-A M.R.S. § 208-F (defining “domestic violence elevated aggravated assault on a pregnant person” as a Class A crime).

Unlike existing laws, which focus on the harm to the pregnant person while recognizing the additional and unique harms that may be present due to the pregnancy, LD 1930 would give an embryo or fetus separate status from the person carrying the pregnancy. Additionally, the existing laws establish that the perpetrator of a crime must have known or reasonably should have known about the pregnancy for the crime or sentencing factors to attach. LD 1930 contains no such language – going against the general legal principle that a crime cannot be committed without *mens rea*, or a criminal state of mind. In other words, LD 1930 raises the troubling specter of an individual being prosecuted for harm to an embryo or fetus whose existence they did not even know about.

Finally, there is growing concern that the criminal-legal system is ineffective at preventing and addressing violence against women, including intimate partner violence, and even that it is harmful to the very women it claims to protect.<sup>3</sup> The state can more effectively prevent and address such violence by supporting women and new parents, during and after pregnancy, through programs providing financial assistance, childcare, safe and affordable housing, and domestic violence supports.<sup>4</sup> Broader anti-poverty measures may also help to reduce intimate partner violence in the community.<sup>5</sup>

LD 1930 is unnecessary in light of existing law, harmfully separates a fetus or embryo from a pregnant person, and is unlikely to deter violence against women, pregnant people, and new parents. GLAD Law respectfully urges members of this committee to vote “ought not to pass” on this bill.

Sincerely,

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<sup>3</sup> See, e.g., Sarah Lustbader, “The Feminist Law Professor Who Wants to Stop Arresting People for Domestic Violence,” *The New Yorker* (Mar. 9, 2025), <https://www.newyorker.com/news/persons-of-interest/the-feminist-law-professor-who-wants-to-stop-arresting-people-for-domestic-violence>.

<sup>4</sup> *Id.* See also Marlena Moore, *What is flexible financial assistance and how can it be dispersed to survivors of intimate partner violence*, VAWnet (Dec. 4, 2023), <https://vawnet.org/news/what-flexible-financial-assistance-and-how-can-it-be-dispersed-survivors-intimate-partner> (Note programs noting a positive impact on survivors, including the Washington Domestic Violence Housing First, and the National Resource Center on Domestic Violence pilot program with the LGBT Center of Central Pennsylvania); See generally Niolon et al., Centers for Disease Control and Prevention, *Intimate Partner Violence Prevention Resource for Action: A Compilation of the Best Available Evidence* (2017), [https://www.cdc.gov/violenceprevention/pdf/ipv-prevention-resource\\_508.pdf](https://www.cdc.gov/violenceprevention/pdf/ipv-prevention-resource_508.pdf).

<sup>5</sup> *Intimate Partner Violence Prevention*, *supra* note 4, at 33 –35.