IN OPPOSITION TO LD 1619

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

My name is David Swihart, and I am a resident of Hampden. I am here to testify in opposition to Legislative Document 1619.

The founding fathers of our nation including John Adams, Benjamin Franklin, John Hancock, and Thomas Jefferson laid out the following plain and clearly in the Declaration of Independence:

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain *unalienable Rights*, that among these are **Life**, Liberty and the pursuit of Happiness."

Please note that this is an AND statement, not an OR statement.

While I recognize that today's hearing is about LD 1619 and not about the recent Dobbs v Jackson Supreme Court decision, I find the specific arguments by the Supreme Court Justices for and against the issue of abortion valuable to our dialogue here today. On the pro-abortion side of the argument, Supreme Court Justices Breyer, Sotomayor, and Kagan put forth the dissenting opinion:

"Women have relied on the availability of abortion both in structuring their relationships and in planning their lives."

While I have much to say about the government using incentives of law in the structuring of relationships, three minutes is not enough time to have a true conversation about the societal costs that come with laws that incentivize hedonism and disincentivize the family structure.

I return again to the quote from the dissenting opinion: "Women have relied on the availability of abortion both in structuring their relationships and *in planning their lives*." When talking about women planning their lives, specifically, they reference career and education. The argument is that the career of a woman in these United States is more important than the life of the child in her womb. They contend that the ability to end a pregnancy up to the point of viability is crucial to a woman's "liberty". To get the argument down to it's most fundamental point, they value the liberty of the mother over the life of the child. I would remind you that the founding principle of Life, Liberty, and the pursuit of happiness is an AND statement. Therefore, the pursuit of liberty for one cannot come at the cost of the life of another.

Even so, the dissenting opinion contends that the guarantee to equal 'liberty' within the fourteenth amendment protects a woman's choice to obtain an abortion up to the point of fetal viability. This is already Maine state law, with an exception carved out to preserve the life or health of the mother. The proposed legislation goes beyond the stage of pregnancy argued for in the supreme court opinion.

LD 1619 has two key points: allowing abortions to be performed past the point of viability, and decriminalizing abortions in non-medical settings. Once again referencing the dissenting opinion in the Dobbs v Jackson case, the minority states in regard to

what are commonly known as 'back-alley abortions':

"[Women] will turn [...] to illegal and unsafe abortions. They may lose not just their freedom, but their lives."

I contend that the proposal to remove criminal penalties for abortions performed outside of sterile medical settings and performed by people other than licensed medical professionals laid forth in Legislative Document 1619 will undeniably lead to an increase in 'back-alley abortions'. By removing these penalties, the proposed legislation is incentivizing abortions to be performed outside of medical settings. "They may lose not just their freedom, but their lives." What do the citizens of Maine have to gain from decriminalizing these back-alley abortions? I, for one, do not see any benefit of striking the penalties from Maine's Reproductive Privacy Law. I would bet that the majority of the citizens of Maine would agree with me on that point, and I pray that the legislature will represent the interests of your citizens.