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Testimony in Support of LD 1343, An Act to Protect the Reproductive Freedom of Maine People by Preempting the Field of Abortion Regulation and LD 1619, An Act to Improve Maine's Reproductive Privacy Laws

Senator Carney, Representative Moonen, and honorable members of the Joint Standing Committee on Judiciary, my name is Aaron Frey, and I have the honor of serving as Maine's Attorney General.

My office has supported numerous efforts to defend reproductive rights on a national level, and I am proud to support *LD 1343, An Act to Protect the Reproductive Freedom of Maine People by Preempting the Field of Abortion Regulation* and *LD 1619, An Act to Improve Maine's Reproductive Privacy Laws*, two bills that will solidify Maine's longstanding tradition of valuing reproductive freedom and autonomy.

Across the nation, opponents of abortion have been using every avenue available to limit abortion access. Anti-abortion groups have had some success in the Supreme Court with the *Dobbs* decision, which upended half-a-century of precedent and radically changed the landscape for patients and health care workers providing reproductive care. Now that individual rights to reproductive freedom have been disrupted on the federal level, advocates have turned to chipping away patients' rights at the municipal government level as well.¹ This is especially true in states that have retained reproductive freedom laws on a statewide basis, where efforts are underway to leap-frog the state legislature to limit reproductive rights with sympathetic political subdivisions. Reproductive freedom is far too critical an issue to be decided on the local level. Any government coming between a patient and their provider regarding a personal medical decision is inappropriate. As a state, we must take this tool away from anti-abortion activists who would use local government to promote their personal philosophical agendas.

All of the upheaval nationally has placed extreme pressure on providers of abortion care. Providers of abortion care who have already faced threats and abuse for their service, will now face additional threats of professional sanctions, licensure revocation, and criminal prosecution. Increasingly anti-abortion states are attempting to take extraterritorial jurisdiction to penalize people for seeking or providing abortion care in states like Maine. We must block such efforts here. It is also imperative that we clarify in our laws that whether and when to have an abortion is exclusively a decision between a provider and a patient. That means removing "preserve the life or health..." which provides legal opportunity to second-guess medical decisions for

philosophical reasons. Additionally, we must remove references to abortion in the criminal code so those sections cannot be exploited for anti-abortion purposes. Where providers might be reasonably concerned that their medical opinions will be weaponized with the intent to persecute anyone providing abortion care, we must clarify our laws to remove that cloud.

These bills are important to securing Maine's long-standing tradition of promoting reproductive freedom, and I thank Governor Mills and the sponsors of these bills for their leadership on this issue.

Thank you for your time and consideration. I urge the Committee to vote Ought To Pass on LD 1343 and LD 1619.

¹ Antiabortion forces push local bans in states with legal access - The Boston Globe

§3001. Ordinance power

Any municipality, by the adoption, amendment or repeal of ordinances or bylaws, may exercise any power or function which the Legislature has power to confer upon it, which is not denied either expressly or by clear implication, and exercise any power or function granted to the municipality by the Constitution of Maine, general law or charter. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]



1. Liberal construction. This section, being necessary for the welfare of the municipalities and their inhabitants, shall be liberally construed to effect its purposes. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

2. Presumption of authority. There is a rebuttable presumption that any ordinance enacted under this section is a valid exercise of a municipality's home rule authority. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

3. Standard of preemption. The Legislature shall not be held to have implicitly denied any power granted to municipalities under this section unless the municipal ordinance in question would frustrate the purpose of any state law. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

4. Penalties accrue to municipality. All penalties established by ordinance shall be recovered on complaint to the use of the municipality. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD).

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