



Senator Bailey, Representative Perry, and members of the Joint Standing Committee on Health Coverage, Insurance and Financial Services, my name is Lisa Margulies, I serve as Vice President of Public Affairs, Maine, for Planned Parenthood of Northern New England, and I am pleased to submit testimony in support of LD 227.

Planned Parenthood of Northern New England provides comprehensive reproductive and sexual health care to more than 7,500 people in Maine at four health centers located in Biddeford, Portland, Sanford, and Topsham. People turn to us for affordable, high-quality care including wellness exams, birth control, disease testing and treatment, cancer screenings, abortion care, gender affirming care, as well as a variety of primary care services. We see everyone who comes to us regardless of ability to pay, and in a typical year, we provide more than \$1.4 million dollars in free and discounted care to our communities in Maine.

As a mission driven health care provider, we fundamentally believe everyone should be able to access affordable, high-quality sexual and reproductive health care in their communities, no matter where they live or how much money they make, and we advocate for policies that help make this vision a reality. All people deserve comprehensive reproductive health care, including abortion and gender-affirming care, free from shame, stigma, and intimidation.

In this tumultuous post-Roe landscape, Maine remains a safe harbor for health care services that are critical to individual physical and mental wellbeing, including abortion, assisted reproduction, and gender-affirming care. States across the country are not only banning essential health care, but also driving efforts aimed at penalizing, and even criminally prosecuting, health care providers and people who help patients access care. Proposed and enacted policies include “vigilante” laws that empower private citizens to enforce—and profit from—abortion bans<sup>i</sup>; authorizing prosecution of anyone helping a minor resident obtain an abortion, even outside the state<sup>ii</sup>; and punishing prosecutors who refuse to enforce anti-abortion laws.<sup>iii</sup>

As a counter-measure to these extreme policies, at least 17 states and Washington D.C. have enacted so-called “shield laws” in an effort to protect reproductive health care services, and at least 11 states and Washington, D.C. have enacted similar protections for gender-affirming care. Given the national climate, it is more important than ever that Maine join this growing movement, affirm its commitment to essential health care, and pursue every possible avenue to safeguard providers in our state.



This bill would build on the work of Governor Mills in Executive Order 4 (21/22) to ensure Maine’s health care professionals can continue to practice in line with our existing professional standards of care.

This bill is fundamentally about access to health care. It aims to protect our health care providers and infrastructure from the threat of hostile enforcement by other states, and resist the devastating impact of health care restrictions enacted by other states for political, not medical, reasons. This bill will better ensure that, even in our tumultuous national landscape, Maine providers—including family and primary care doctors, nurses, mental health providers, and other licensed health practitioners—can continue to deliver high quality health care to their patients. It also protects patients and people who help patients access care.

Specifically, the bill would provide a wide range of protections for reproductive health care and gender affirming care by:

- Declaring access to gender-affirming and reproductive health care services is a legal right in the state and interference with such legally protected health care activity is against the public policy of the state;
- Creating a civil right of action for individuals providing, receiving, or assisting in legally protected health care who are targeted by hostile out-of-state actions to seek damages and court costs;
- Attempting to limit out-of-state actions seeking to impose criminal or civil liability for legally protected health care activity by:
  - Restricting foreign judgments from hostile out-of-state actions against individuals providing or assisting in legally protected health care;
  - Restricting the issuance of subpoenas, summons, or warrants by Maine courts related to hostile out-of-state actions targeting legally protected health care;
  - Prohibiting Maine government employees and agencies from using time and resources related to hostile out-of-state actions targeting legally protected health care;
  - Limiting arrest and extradition of persons targeted for criminal prosecution due to aiding or assisting legally protected health care as well as execution of search warrants;
- Creating professional protections for clinicians and providers by:
  - Prohibiting licensing boards and health care entities from taking adverse disciplinary action for legally protected health care;
  - Prohibiting health plans from terminating contracts or imposing penalties for providers of legally protected health care;



- Prohibiting discrimination against health care providers by denying providers coverage, discriminatorily increasing rates, or taking any other action against a provider based on legally protected health care activity;
- Protecting the personal contact information of health care providers by allowing reproductive and gender-affirming care providers to participate in the state's existing address confidentiality program; and
- Limiting disclosure of patient medical records related to reproductive health care or gender-affirming health care services in the course of a legal proceeding without patient consent.

This bill would help safeguard the clinicians at Planned Parenthood of Northern New England and other health centers in providing a broad spectrum of necessary health care services, including abortion and gender-affirming care. It is critical that Maine join the growing number of states enacting shield laws and ensure that health care providers in our state can continue offering essential care so that all people can build the lives and futures they want, safely and without shame or stigma. I urge you to pass "ought to pass" on LD 227. Thank you for your commitment to protecting essential health care in Maine.

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<sup>i</sup> Isabella Oishi, *Legal Vigilantism: A Discussion of the New Wave of Abortion Restrictions and the Fugitive Slave Acts*, 2022, [https://www.law.georgetown.edu/gender-journal/wp-content/uploads/sites/20/2022/04/Legal-Vigilantism\\_I-Oishi.pdf](https://www.law.georgetown.edu/gender-journal/wp-content/uploads/sites/20/2022/04/Legal-Vigilantism_I-Oishi.pdf)

<sup>ii</sup> Id.

<sup>iii</sup> Carter Sherman, *Texas law aims to punish prosecutors who refuse to pursue abortion cases*, *The Guardian*, Sep 1 2023, <https://www.theguardian.com/us-news/2023/sep/01/texas-law-punish-prosecutors-abortion-cases>