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LD 227

I'm writing in opposition to LD 227 - An Act Regarding Health Care in the State.

I find it unacceptable that after 13 months on the legislature's website the only copy of LD 227 available to we the people is a concept draft. Therefore, I must rely upon what I've been told about this bill from a member of the legislature, and here are just a few key points that cause me to oppose this legislation.

This bill makes both "gender-affirming health care services" and "reproductive health care services" a "legal" right, and interference with this right "whether or not under the color of law" is against state policy. Both gender-affirming health care service and reproductive health care services are very broadly defined.

This bill abandons "medically necessary health care" because it covers "all supplies, care, and services" including services of a "supportive nature" related to gender dysphoria or incongruence. You don't have to prove medical necessity under this definition. Not only would it cover drugs, surgeries, and mental health services, it could even cover things like chest binders or prosthetics to create the appearance of male anatomy.

Under this bill, reproductive health care services includes "all supplies, care, and services" including those of a "supportive nature" related to pregnancy, assisted reproductive, and abortion. So not only is anything touching abortion now covered, but all forms of IVF, surrogacy (including paid surrogacy) and anything else necessary to assist with reproduction could be covered by this bill.

All of this is now a "legal right" and no one, including private citizens, can interfere with this right. As a result, the state could be required to fully pay for all of these services; a Catholic hospital could be required to provide these services; a religious organization could be required to cover them in their insurance and give employees time off to obtain them. It could potentially even be used to undermine parental decision-making on these services. If a child in Maine has a "legal right" to these services and no one can "interfere" with them, then this bill could be misused to argue that that parents are prohibited from saying no to their child receiving them.

This bill would allow lawsuits in Maine courts against a person who files "hostile litigation" which is litigation in another state that would deter a person from obtaining gender identity/abortion services or from helping another person obtain those services. For example, if parents in Georgia filed a lawsuit to stop an aunt from transporting a child to Maine for gender identity/abortion services, This bill would allow the aunt to sue the parents and seek punitive damages against the parents. This is an unprecedented new cause of action.

But it goes even further because it includes lawsuits that "deter" a person from engaging in gender identity/abortion services. So if a detransitioner sues a hospital system for performing a gender transition procedure on the minor, and that hospital system has locations in Maine, the lawsuit against the hospital system could "deter" its Maine locations from performing these procedures. As a result, someone in Maine could sue the detransitioner for engaging in "hostile litigation."

This bill prohibits Maine courts from enforcing a judgment from another state related to gender identity/abortion services. So if Georgia issued a judgment against an aunt from trafficking a child to Maine to obtain an abortion or gender transition surgery, Maine courts would refuse to enforce that.

This bill would prohibit a state court from even requiring the aunt to give testimony in the trafficking case or from issuing any subpoena or warrant against the aunt.

And even if the aunt was found guilty of violating a criminal law in Georgia related to the gender identity/abortion services, Maine would be prohibited from surrendering the aunt to the state where she was convicted of the crime. So now Maine becomes a

state that harbors criminals who violated the criminal laws of other states that prohibited vulnerable individuals from gender identity/abortion services.

This bill would prohibit a hospital from taking “adverse action” against a doctor or nurse that participates in gender identity/abortion services. Because there is no religious exception, it would mean that a Catholic healthcare organization or pro-life pregnancy center could be punished for disciplining an employee who participates in one of these morally objectionable services.

Malpractice insurers cannot increase rates or impose penalties on a doctor for providing gender identity/abortion services. This is interfering with the ability of insurers to appropriately factor in the risk of malpractice claims related to these procedures.

I support mental health treatment, and only mental health treatment, for people suffering from gender dysphoria. I do not support gender affirming care, puberty blockers, surgery, etc. There are only two genders, male and female, or do we no longer believe in the science. I wholeheartedly and 100% oppose this legislation and urge this committee to vote "Ought Not To Pass" on LD 227.