



**Written Testimony of Catie Kelley, J.D.  
Policy Counsel, Americans United for Life  
In Support of Legislative Document 253 (HP 162)  
Submitted to the Joint Committee on Judiciary  
March 28, 2025**

Dear Chair Carney, Chair Kuhn, Ranking Minority Member Poirier, and Members of the Committee:

My Name is Catie Kelley, and I serve as Policy Counsel at Americans United for Life (“AUL”). Established in 1971, AUL is a national law and policy nonprofit organization with a specialization in abortion, end-of-life issues, and bioethics law. AUL publishes pro-life model legislation and policy guides on protecting the rights of conscience in healthcare and prohibiting taxpayer funding for abortion for government programs,<sup>1</sup> tracks state bioethics legislation,<sup>2</sup> and regularly testifies on pro-life legislation in Congress and the states. In 1980, AUL attorneys successfully defended the Hyde Amendment before the U.S. Supreme Court in *Harris v. McRae*.<sup>3</sup> Our vision at AUL is to strive for a world where everyone is welcomed in life and protected in law.

Thank you for the opportunity to testify in favor of Legislative Document No. 253 (“H.P. 162” or “bill”). This bill would put an end to requiring every Maine citizen to participate in elective abortions by repealing Title 22, section 3196, of the Maine statutory code, which requires using state tax dollars to pay for elective abortions not covered by federal Medicaid. This Committee should support H.P. 162 to ensure that the state’s resources are used to enrich families, rather than harm women and their preborn children through elective abortion.

**I. The Hyde Amendment Ensures that Federal and State Governments Are Not Required to Fund Elective Abortions.**

Under current law, “[a]bortion services that are not federally approved Medicaid services must be funded by state funds within existing resources.”<sup>4</sup> The Hyde Amendment prohibits

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<sup>1</sup> *Pro-Life Model Legislation and Guides*, AMS. UNITED FOR LIFE, <https://aul.org/law-and-policy/> (last visited Mar. 28, 2025).

<sup>2</sup> *Defending Life: State Legislation Tracker*, AMS. UNITED FOR LIFE, <https://aul.org/law-and-policy/state-legislation-tracker/> (last visited Mar. 28, 2025).

<sup>3</sup> 448 U.S. 297 (1980).

<sup>4</sup> 22 M.R.S.A. § 3196(2).

federal funds from paying for elective abortion, including through Medicaid, in most circumstances. The Hyde Amendment was originally adopted in 1976 as part of the Department of Health, Education, and Welfare<sup>5</sup> appropriations bill,<sup>6</sup> and has been included in federal law in various forms every year since.

In 1980, the year the Supreme Court decided *Harris*, the language of the Hyde Amendment stated:

“[N]one of the funds provided by this joint resolution shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest when such rape or incest has been reported promptly to a law enforcement agency or public health service.”<sup>7</sup>

After the Hyde Amendment was passed in 1976, it was immediately challenged in the courts, testing the scope of the *Roe v. Wade* decision. In 1980, AUL attorneys won a momentous victory when the United States Supreme Court upheld the Hyde Amendment in *Harris*. The Court also reaffirmed the government’s legitimate interest in protecting life.

Until recently, the Hyde Amendment was largely supported by politicians in both parties; in fact, 107 Democrats voted in favor of the original Hyde Amendment in the U.S. House of Representatives.<sup>8</sup> After the *Harris* decision, the amendment was seen as prudent public policy and found support among many politicians who also supported a right to abortion. For nearly four decades, the Hyde Amendment was considered a noncontroversial, bipartisan addition to appropriations bills.

The Hyde Amendment was, and continues to be, a necessary protection for the conscience rights of the millions of Americans who oppose the government using taxpayer dollars on elective abortions. Many states have enacted state equivalents of the Hyde Amendment, but Maine forces its taxpayers to participate in funding elective abortions, regardless of its citizens’ personal beliefs.<sup>9</sup>

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<sup>5</sup> Since then, these Departments have split into separate agencies. The Hyde Amendment currently is applied to appropriations for the Department of Health and Human Services (HHS).

<sup>6</sup> Pub. L. No. 94-439 tit. II, § 209, 90 Stat. 1418, 1434 (1976) (“None of the funds contained in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term.”)

<sup>7</sup> *Harris v. McCrae*, 448 U.S. 297, 302 (1980) (quoting Pub. L. 96-123, § 109, 93 Stat. 926).

<sup>8</sup> *On a Separate Vote in the House, to Agree to the Hyde Amendment to H.R. 14232, Which Prohibits the Use of Funds in the Bill to Pay For or To Promote Abortions*, GOVTRACK.US, <https://www.govtrack.us/congress/votes/94-1976/h952> (last visited March 4, 2023).

<sup>9</sup> See 22 M.R.S.A. § 3196.

## II. The Majority of Americans Oppose Taxpayer Funding of Abortion

Most Americans oppose taxpayer funding of abortions. Since 2008, polling data has shown a consistent and clear consensus of Americans supporting restrictions on abortions, including funding restrictions.<sup>10</sup> In a 2022 poll, 54% of Americans said that they opposed the use of taxpayer dollars to pay for abortions.<sup>11</sup> In a poll conducted one year later, 60% of Americans said that they opposed taxpayer funding of abortion.<sup>12</sup> Americans across the political spectrum agree that the government should be supporting women and families rather than using their taxpayer dollars to fund elective abortions, which harm women and young girls.<sup>13</sup>

Maine should listen to its citizens and pass laws, such as H.P. 162, that affirm this pro-family, pro-conscience policy at the state level. According to Maine's most recent abortion data, there were 2,502 abortions reported in 2023.<sup>14</sup> There was a 12.5% increase in abortions from 2022 to 2023, and there was a 25.2% increase in the use of abortion-inducing drugs for abortions.<sup>15</sup> Instead of paying for elective abortions, Maine should direct its resources to helping support and empower women to raise their children, and reducing the demand for procedures that end the lives of preborn children.

To illustrate, the Hyde Amendment and its state equivalents are important safeguards because they secure funding for life-affirming assistance, such as government programs that provide prenatal, birth, and infant care resources for women. These programs also help prevent a mother's economic circumstances from being the determining factor in whether her child gets a chance at life. Researchers estimate that the Hyde Amendment alone has saved 2.4 million lives over the past four decades.<sup>16</sup>

If H.P. 162 passes, Maine's resources can be spent on enriching families through life-affirming government programs that provide support to underserved families instead of using taxpayer dollars to fund elective abortions.

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<sup>10</sup> See *New 2023 Knights of Columbus-Marist Poll: Post Roe, A Majority of Americans Continue to Support Legal Limits on Abortion*, KNIGHTS OF COLUMBUS (Jan. 18, 2023), <https://www.kofc.org/en/resources/communications/polls/majority-americans-still-support-abortion-limits.pdf>.

<sup>11</sup> See *New Knights of Columbus/Marist Poll: A Majority of Americans Support Legal Limits on Abortion, and Oppose Taxpayer Funding*, KNIGHTS OF COLUMBUS (Jan. 20, 2022), <https://www.kofc.org/en/newsroom/polls/americans-support-legal-limits-on-abortion.html> (finding in a 2022 poll that 54% of Americans oppose or strongly oppose taxpayer funding of abortions).

<sup>12</sup> *New 2023 Knights of Columbus-Marist Poll*, *supra*, note 10 (finding in a 2023 poll that 60% of Americans oppose taxpayer funding of abortions and 78% oppose funding abortions services abroad).

<sup>13</sup> See *id.*

<sup>14</sup> Mia Steupert, *Abortion Reporting: Maine (2023)*, CHARLOTTE LOZIER INSTITUTE, <https://lozierinstitute.org/abortion-reporting-maine-2023/>, (Nov. 27, 2024).

<sup>15</sup> See *id.*

<sup>16</sup> Michael J. New, *The Hyde Amendment is Life-Saving and Worth Saving*, NATIONAL REVIEW (July 27, 2020), <https://www.nationalreview.com/corner/the-hyde-amendment-is-life-saving-and-worth-saving/>.

### III. Conclusion

Maine should reinstate protections that separate government funding from elective abortion, thus protecting the conscience rights of its citizens, and ensuring that the state continues to provide life-affirming assistance that empowers families to choose life. For these reasons, I strongly encourage this Committee to support H.P. 162.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'C. Kelley', written in a cursive style.

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AMERICANS UNITED FOR LIFE