

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND REGULAR SESSION-2004

Legislative Document

No. 1778

H.P. 1300

House of Representatives, December 22, 2003

An Act To Prohibit Female Genital Mutilation

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 17, 2003. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SIMPSON of Auburn.
Cosponsored by Senator DOUGLASS of Androscoggin and
Representatives: ADAMS of Portland, BLANCHETTE of Bangor, DUDLEY of Portland,
GERZOFKY of Brunswick, HUTTON of Bowdoinham, LEMOINE of Old Orchard Beach,
NORBERT of Portland, Senator: HALL of Lincoln.

2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 17-A MRSA §8, sub-§1**, as amended by PL 1999, c. 438,
§1, is repealed and the following enacted in its place:

6 1. It is a defense that prosecution was commenced after the
8 expiration of the applicable period of limitations provided in
this section, except that:

10 A. A prosecution may be commenced at any time for:

12 (1) Murder or criminal homicide in the first or 2nd
14 degree; or

16 (2) If the victim had not attained 16 years of age at
18 the time of the crime, incest; unlawful sexual contact;
sexual abuse of a minor; or rape or gross sexual
20 assault, formerly denominated as gross sexual
misconduct; and

22 B. A prosecution for female genital mutilation may be
commenced within 5 years after the victim attains the age of
24 18 years.

26 **Sec. 2. 17-A MRSA §208-C** is enacted to read:

28 **§208-C. Female genital mutilation**

30 1. A person is guilty of female genital mutilation if that
32 person for nonmedical purposes excises or infibulates the whole
or any part of the labia majora, labia minora, clitoris or vulva
of a female minor. Violation of this subsection is a strict
34 liability crime as defined in section 34, subsection 4-A.

36 2. It is not a defense to a violation of subsection 1 that
the person believed that the violation was required by custom,
ritual, religious practice or standard of practice, or that the
38 minor on whom it is performed or the minor's parent or legal
guardian consented to the procedure.

40 3. Female genital mutilation is a Class C crime.

42 **Sec. 3. Educational and outreach activities.** The Department of
44 Human Services, in consultation with the appropriate federal
46 agency or department, shall establish and implement appropriate
education, preventive and outreach activities, focusing on the
48 new immigrant populations that traditionally practice female
genital mutilation, for the purpose of informing members of those
communities of the health risks and emotional trauma inflicted by
50 this practice and informing those communities and the medical

community of the prohibition and ramifications of the Maine
Revised Statutes, Title 17-A, section 208-C.

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SUMMARY

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This bill prohibits the practice of female genital
mutilation. The bill also directs the Department of Human
Services to establish and implement education and outreach
activities focusing on new immigrant populations that
traditionally practice female genital mutilation.

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