

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 745

H.P. 525

House of Representatives, March 2, 2017

An Act To Prohibit Female Genital Mutilation

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT
Clerk

Presented by Representative SIROCKI of Scarborough.
Cosponsored by Senator MAKER of Washington and
Representatives: AUSTIN of Skowhegan, AUSTIN of Gray, BAILEY of Saco, BATTLE of South Portland, BEAR of the Houlton Band of Maliseet Indians, BICKFORD of Auburn, BRADSTREET of Vassalboro, CAMPBELL of Orrington, CARDONE of Bangor, CHACE of Durham, CRAIG of Brewer, DENNO of Cumberland, ESPLING of New Gloucester, FAY of Raymond, FOLEY of Wells, GERRISH of Lebanon, Speaker GIDEON of Freeport, GILLWAY of Searsport, GINZLER of Bridgton, GUERIN of Glenburn, HANINGTON of Lincoln, HANLEY of Pittston, HARRINGTON of Sanford, HARVELL of Farmington, HAWKE of Boothbay Harbor, KINNEY of Knox, MALABY of Hancock, MARTIN of Eagle Lake, MASON of Lisbon, McCREIGHT of Harpswell, McELWEE of Caribou, O'CONNOR of Berwick, PARRY of Arundel, PERRY of Calais, PICCHIOTTI of Fairfield, PICKETT of Dixfield, POULIOT of Augusta, RECKITT of South Portland, SAMPSON of Alfred, SANDERSON of Chelsea, SEAVEY of Kennebunkport, SIMMONS of Waldoboro, SKOLFIELD of Weld, STETKIS of Canaan, STEWART of Presque Isle, STROM of Pittsfield, TIMBERLAKE of Turner, TUELL of East Machias, TURNER of Burlington, WADSWORTH of Hiram, WALLACE of Dexter, WARD of Dedham, WHITE of Washburn, WINSOR of Norway, WOOD of Greene, Senators: CYRWAY of Kennebec, HAMPER of Oxford, JACKSON of Aroostook, KEIM of Oxford, LANGLEY of Hancock, President THIBODEAU of Waldo, VOLK of Cumberland.

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

2 **Sec. 1. 17-A MRSA §214** is enacted to read:

3 **§214. Female genital mutilation of a minor**

4 **1. A person is guilty of female genital mutilation of a minor if:**

5 A. The person for nonmedical purposes circumcises, excises, mutilates or infibulates,
6 in whole or in part, the labia majora, labia minora or clitoris of a female person under
7 18 years of age. A violation of this paragraph is a Class B crime;

8 B. The person, being a parent, guardian or person who has immediate custody of a
9 female person under 18 years of age, consents to or permits for nonmedical purposes
10 the circumcision, excision, mutilation or infibulation, in whole or in part, of the labia
11 majora, labia minora or clitoris of the female person under 18 years of age. A
12 violation of this paragraph is a Class B crime; or

13 C. The person removes or causes or permits the removal of a female person under 18
14 years of age from this State for the purpose of circumcising, excising, mutilating or
15 infibulating, in whole or in part, the labia majora, labia minora or clitoris of the
16 female person under 18 years of age for nonmedical purposes. A violation of this
17 paragraph is a Class B crime.

18 **2. For the purposes of this section, "nonmedical purposes" includes, but is not**
19 **limited to, purposes of religion, custom or ritual.**

20 **3. It is not a defense to a violation of subsection 1 that the female person under 18**
21 **years of age or the parent, guardian or person who has immediate custody of the female**
22 **person under 18 years of age consented to the circumcision, excision, mutilation or**
23 **infibulation.**

24 **4. It is a defense to prosecution under this section that the circumcision, excision,**
25 **mutilation or infibulation was done for purposes related to the health of a female person**
26 **under 18 years of age as determined to be necessary by a physician licensed pursuant to**
27 **Title 32, chapter 36 or 48.**

28 **SUMMARY**

29 This bill makes it a Class B crime to perform female genital mutilation on a female
30 person under 18 years of age for nonmedical purposes. The bill also makes it a Class B
31 crime for a parent, guardian or person who has immediate custody of a female person
32 under 18 years of age to consent to or permit female genital mutilation of that female
33 person for nonmedical purposes or for a person to remove the female person from the
34 State for such a procedure. Under the provisions of the bill it is not a defense that the
35 female person, or the parent, guardian or person who has immediate custody of the
36 female person, consented to the procedure but it is a defense that the procedure was done
37 for medical purposes.