

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

SECOND REGULAR SESSION-2018

Legislative Document

No. 1904

S.P. 732

In Senate, April 9, 2018

An Act To Prohibit the Practice of Female Genital Mutilation of a Minor

Reported by Senator ROSEN of Hancock for the Joint Standing Committee on Criminal Justice and Public Safety pursuant to Joint Order 2017, S.P. 709.

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed pursuant to Joint Rule 218.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

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; transportation; consent**

4 1. As used in this section, "female genital mutilation" means the circumcision,
5 excision, mutilation or infibulation, in whole or in part, of the labia majora, labia minora
6 or clitoris of a female individual.

7 "Female genital mutilation" does not include a medical procedure that is performed by a
8 person licensed pursuant to Title 32, chapter 36 or 48, a midwife licensed pursuant to
9 Title 32, chapter 31 or 113-B, subchapter 4 or a person in an approved training program
10 under the supervision of a person licensed pursuant to Title 32, chapter 36 or 48 or a
11 midwife licensed pursuant to Title 32, chapter 31 or chapter 113-B, subchapter 4, if the
12 medical procedure is:

13 A. Necessary to the health of the individual on whom the medical procedure is
14 performed; or

15 B. Performed on an individual in labor or who has just given birth and is performed
16 for medical purposes connected with that labor or birth.

17 2. A person is guilty of female genital mutilation of a minor if that person performs
18 female genital mutilation on a female individual under 18 years of age. Violation of this
19 subsection is a Class A crime.

20 3. A person is guilty of transporting an individual for female genital mutilation of a
21 minor if that person knowingly transports a female individual under 18 years of age
22 outside of this State for the purpose of allowing another person to perform female genital
23 mutilation on the female individual under 18 years of age. Violation of this subsection is
24 a Class A crime.

25 4. A person is guilty of consenting to female genital mutilation of a minor if that
26 person knowingly consents to female genital mutilation of a female individual under 18
27 years of age. Violation of this subsection is a Class A crime.

28 5. Notwithstanding section 106, subsection 7, it is not a defense to prosecution under
29 this section that the female individual who is under 18 years of age or the parent,
30 guardian or person who has immediate custody of the female individual under 18 years of
31 age:

32 A. Consented to the female genital mutilation; or

33 B. Believed that the female genital mutilation was desirable as part of a social norm
34 or required as part of custom, religion or ritual.

35 6. A violation of this section by a person licensed pursuant to Title 32, chapter 36 or
36 48 or a midwife licensed pursuant to Title 32, chapter 31 or chapter 113-B, subchapter 4
37 is grounds for permanent revocation of that person's license.

1 The bill extends the statute of limitations for female genital mutilation offenses to the
2 25th birthday of a victim of female genital mutilation. Commission of a female genital
3 mutilation offense by a person licensed by the Board of Licensure in Medicine or the
4 Board of Osteopathic Licensure or a midwife licensed in Maine is grounds for permanent
5 revocation of the license of that person.

6 This bill also requires the Department of Health and Human Services, to the extent
7 existing resources are available, to develop and institute a community outreach program
8 regarding female genital mutilation that provides support services, training and
9 educational materials.

10 **FISCAL NOTE REQUIRED**

11 **(See attached)**



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LD 1904

LR 2988(01)

An Act To Prohibit the Practice of Female Genital Mutilation of a Minor

Fiscal Note for Original Bill
Committee: Criminal Justice and Public Safety
Fiscal Note Required: Yes

Fiscal Note

Contingent current biennium cost increase - General Fund
Minor cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

Establishes new Class A crimes; increases correctional and judicial costs

The additional workload associated with the minimal number of new felony cases filed in the court system does not require additional funding at this time.

The collection of additional fines may increase General Fund or other dedicated revenue by minor amounts.

Fiscal Detail and Notes

The bill requires the Department of Health and Human Services (DHHS), to the extent existing resources are available, to develop and institute a community outreach program regarding female genital mutilation that provides support services, training and educational materials. If DHHS determines that resources are available for the program, the costs that would be incurred would not require an additional appropriation.