



128th MAINE LEGISLATURE

SECOND REGULAR SESSION-2018

Legislative Document

No. 1822

H.P. 1264

House of Representatives, February 6, 2018

An Act To Amend the Laws Governing Offenses against the Person

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

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative CARDONE of Bangor.
Cosponsored by Senator HILL of York and
Representatives: BAILEY of Saco, NADEAU of Winslow, TALBOT ROSS of Portland,
WARREN of Hallowell.

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

7 2. A person is guilty of female genital mutilation of a minor if that person, for
8 nonmedical purposes, performs female genital mutilation on a female individual who has
9 not attained 18 years of age. Violation of this subsection is a Class A crime.

10 3. It is not a violation of this section if the circumcision, excision or infibulation is:

11 A. Necessary to the health of the individual on whom the circumcision, excision or
12 infibulation is performed and is performed by:

13 (1) A person licensed pursuant to Title 32, chapter 36 or 48;

14 (2) A midwife licensed pursuant to Title 32, chapter 113-B, subchapter 4; or

15 (3) A person in an approved training program under the supervision of a person
16 licensed pursuant to Title 32, chapter 36 or 48 or a midwife licensed pursuant to
17 Title 32, chapter 113-B, subchapter 4; or

18 B. Performed on an individual in labor or who has just given birth and is performed
19 for medical purposes connected with that labor or birth by a person specified in
20 paragraph A.

21 4. A violation of this section by a person licensed pursuant to Title 32, chapter 36 or
22 48 or a midwife licensed pursuant to Title 32, chapter 113-B, subchapter 4 is grounds for
23 permanent revocation of that person's license.

24 5. It is not a defense to prosecution under this section that the female individual who
25 has not attained 18 years of age or the parent, guardian or person who has immediate
26 custody of the female individual who has not attained 18 years of age:

27 A. Consented to the circumcision, excision or infibulation; or

28 B. Believed that the circumcision, excision or infibulation was required as part of
29 custom, religion or ritual.

30 6. The Department of Health and Human Services may develop and institute a
31 community outreach program, referred to in this subsection as "the program," to address
32 occurrences in this State of the crime of female genital mutilation of a minor. The
33 program must include the following components:

34 A. Community-based education and outreach services regarding female genital
35 mutilation that provide culturally specific services for communities in the State in
36 which female genital mutilation of minors might be practiced;

- 1 B. Outreach and provision of culturally specific support services to victims of female
2 genital mutilation in the State;
- 3 C. A culturally sensitive training program relating to female genital mutilation;
- 4 D. Distribution of educational materials regarding the health risks and emotional
5 trauma inflicted by and relating to the practice of female genital mutilation; and
- 6 E. Distribution of educational materials relating to the federal and state prohibition
7 on and penalties for female genital mutilation of a minor.

8 **SUMMARY**

9 This bill defines "female genital mutilation" and makes it a Class A crime to perform
10 female genital mutilation on a female individual under 18 years of age for nonmedical
11 purposes. A violation of female genital mutilation of a minor by a person licensed by the
12 Board of Licensure in Medicine or the Board of Osteopathic Licensure or a midwife
13 licensed in Maine is grounds for permanent revocation of the license of that person or
14 midwife.

15 Under the provisions of the bill it is not a defense that the female individual, or the
16 parent, guardian or person who has immediate custody of the female individual,
17 consented to the procedure or believed that it was necessary for custom, religion or ritual.
18 It is a defense that the procedure was necessary to the health of the female individual or
19 performed for medical purposes on a female individual in labor or who has just given
20 birth and was performed by a person licensed in this State by the Board of Licensure in
21 Medicine or the Board of Osteopathic Licensure or a midwife or a person in an approved
22 training program under the supervision of a physician or midwife licensed in this State.

23 This bill also authorizes the Department of Health and Human Services to institute a
24 community outreach program regarding female genital mutilation for specific
25 communities in which female genital mutilation of minors might be practiced that
26 provides support services, training and educational materials.