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LD 745 - Ought Not To Pass

An Act to Prohibit Female Genital Mutilation

JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

May 5, 2017

Senator Rosen, Representative Warren, and members of the Committee on Criminal Justice and Public Safety, greetings. My name is Oami Amarasingham, and I am the advocacy director for the American Civil Liberties Union of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, we ask you to vote “ought not to pass” on LD 745.

The ACLU of Maine is opposed to the expansion of Maine’s criminal code. Criminalizing new behavior does little to solve society’s problems and instead has contributed to the crises in funding and space in local jails. Enhancing criminal penalties is an ineffective way of addressing public health issues, and often has the reverse effect: driving public health problems further underground.

In that context, we oppose LD 745, which would create multiple felony penalties for the practice of FGM. While we do not support the practice of FGM, we do not believe that a criminal approach in Maine will contribute to any legitimate efforts to eradicate the practice. First, we have not seen evidence that FGM is being practiced in Maine – in large part due to the successful community-lead efforts to eradicate the practice. Second, LD 745 creates new felonies for behavior that is already criminal under Maine law. Third, as this committee has seen in the context of drug overdoses, the fear of criminal prosecution makes people in need of health care reluctant to seek it.

Women and girls in Maine who have experienced FGM need competent and appropriate health care. Enhanced criminal penalties that create fear and stigma will only create barriers to accessing needed care.

In general, the people who are closest to the problem are the closest to the solution and farthest from the resources. We encourage the Legislature to seek ways to support local leaders who are already successfully working to eradicate FGM. Please reject LD 745.