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STATE OF MAINE
OFFICE OF THE DISTRICT ATTORNEY
PROSECUTORIAL DISTRICT IV

Senator Rosen, Representative Warren, and Honorable members of the Criminal Justice Committee, my name is Maeghan Maloney, I am the District Attorney for Kennebec and Somerset Counties. I am here today in my capacity as the legislative liaison for the Maine Prosecutors Association. The eight elected DA's make up the executive directors of the Maine Prosecutors Association. We are Democrats and Republicans and we are in Support of LD 745.

The prosecutors do not feel confident that they can charge someone with committing Female Genital Mutilation without the passage of this bill.

Why? There are two main reasons:

- 1) While Female Genital Mutilation is a barbaric disfiguration bearing no resemblance to male circumcision, there are prosecutors that argue that it is not aggravated assault when the parents and children consent. The prosecutors would like clear guidance from this committee as to whether or not you want this mutilation charged as a crime. Clear statues without guess work are important if you want state prosecutions. (Yes, it is already illegal federally, but the DA Offices try by far the most criminal cases in Maine.)
- 2) The Law Court held in State v. Kargar, 679 A.2d 81 (Me. 1996), that a picture of a man with his son's penis in his mouth did not constitute sexual assault. There is a debate among prosecutors as to whether a similar analysis could be used by the Law Court to overturn a Female Genital Mutilation assault conviction. Again, clarity from this committee would be extremely helpful.

The DA's are divided on the need for sections 1, B and C of this bill. Maine Law already gives us accomplice liability. With passage of section 1 A but not 1 B and C, the DA's would still be able to charge anyone who is an accomplice to Female Genital Mutilation.

In closing, I would like to draw your attention to an NPR article last week entitled, Because I was Harmed:

<http://www.npr.org/sections/codeswitch/2017/04/27/483713242/because-i-was-harmed>

This article makes it clear that Female Genital Mutilation has been occurring in white, Christian communities in the United States—hidden and unreported for years. Mutilation is not a religious practice. I hope the debate will not criticize a religion or ethnic group because it crosses over all religions and ethnicities.