

TESTIMONY OF MEAGAN SWAY, ESQ.

Ought Not To Pass

LD 771 – An Act to Protect a Woman’s Right to Withdraw Consent for an Abortion

Joint Standing Committee on Judiciary

May 5, 2023

Senator Carney, Representative Moonen and distinguished members of the Joint Standing Committee on Judiciary, greetings. My name is Meagan Sway, and I am policy director of 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, I am here to testify against LD 771.

This legislation is based on a misunderstanding of how medical procedures and informed consent relating to medical procedures work. First, patients are already able to change their minds at any point before any medical procedure begins. Abortion, as a medical procedure, is no different from other procedures that a patient may decide not to undertake. However, to the extent this bill envisions that patients may be able to reverse their abortions once they have begun, that is not possible. So-called abortion reversals are wholly unsupported by reliable scientific evidence and have been rejected by the field’s trusted medical authorities, including the American Medical Association and the American College of Obstetricians and Gynecologists. This bill would constitute government-compelled speech requiring doctors to communicate false and misleading information to their patients, give a government-sanctioned pamphlet encouraging them to partake in an experimental and unproven treatment that runs counter to the patients’ best interests, and violate the doctor’s ethical obligations as medical providers.

We also object to this bill’s creation of new felony crimes related to abortion. As we testified earlier this week, wherever possible, the legislature should remove criminal penalties from our statutes that differentiate abortion care from other medical care. Making crimes specific to abortion but not other medical procedures stigmatizes this health care. Additionally, imposing criminal penalties generally does not deter behavior, but instead pushes actions we wish to prevent out of sight, making them more dangerous and harder to regulate.

LD 771 is a solution in search of a problem. We urge the legislature to vote ought not to pass.