



Office of
The Governor

NO. 4 FY 21/22
DATE July 5, 2022

AN ORDER PROTECTING ACCESS TO REPRODUCTIVE HEALTH CARE SERVICES IN MAINE

WHEREAS, for more than twenty-nine years the State of Maine has provided a guarantee of reproductive rights independent of any protection provided by the United States Constitution, and the laws of Maine have long ensured that access to reproductive health care services remains readily available in the State;

WHEREAS, these rights have been recognized and expanded over time in Maine jurisprudence, law, and policy, acknowledging women’s autonomy, liberty and essential role in our social, civic and economic life;

WHEREAS, Maine was only the fifth state to affirmatively protect legal abortion in state law;

WHEREAS, in 1993 ensuring that abortion remained legal was a bipartisan priority as lawmakers of both parties championed the Reproductive Privacy Act ensuring that abortion services would remain in effect even if *Roe v. Wade* were overturned;

WHEREAS, the Reproductive Privacy Act and other measures reaffirm that it is the public policy of Maine to protect a woman’s choice to terminate a pregnancy before viability in consultation with a provider, or after viability when necessary to preserve the life or health of the woman;

WHEREAS, Maine law ensures health coverage for reproductive health care by requiring state-regulated public and private health insurers to cover family planning services, abortion services, and pregnancy-related services as permitted by federal law;

WHEREAS, Maine recognizes and supports the full spectrum of reproductive health care by requiring state-regulated public and private health insurers to cover broad options for contraception and by extending MaineCare coverage of postpartum care for a full year;

WHEREAS, Maine recognizes that the right to reproductive health care should not depend on the ability to pay and thus provides state funding to ensure that abortion services are available to low-income individuals;

WHEREAS, Maine has promoted equity in access to reproductive health care and the right to choose a provider by expanding those who can perform surgical and non-surgical abortion to include a licensed physician or physician assistant, or a licensed advanced practice registered nurse, and by expanding access to telehealth and mail-order pharmacy;

WHEREAS, citizens of certain other states that have adopted laws that severely limit or prohibit access to reproductive health care services may travel to Maine to seek such services from Maine health care providers;

WHEREAS, certain other States have also adopted and may continue to expand laws that purport to impose civil or criminal liability or professional sanctions on health care professionals who provide, and on persons who seek and obtain, reproductive health care services in Maine as permitted by our laws;

WHEREAS, health care professionals lawfully providing and persons assisting with, seeking and obtaining reproductive health services in Maine in compliance with Maine policy should be protected from civil and criminal enforcement actions brought under conflicting laws of other states;

NOW, THEREFORE, I, Janet T. Mills, Governor of the State of Maine, pursuant to the authority granted by Me. Const. Art. V, Pt. First, Secs. 1 and 12, do hereby Order and direct the following:

- I. No Assistance from Executive Agencies.** Except as required by the order of a court of competent jurisdiction, no executive agency and no employee, appointee, officer, or other person acting on behalf of any executive agency may provide any information or expend or use time, money, facilities, property, equipment, personnel or other resources in furtherance of any investigation or proceeding initiated in or by another state that seeks to impose civil or criminal liability or professional sanction upon a person or entity for:
 - A. The provision, securing, or receiving of, or any inquiry concerning reproductive health care services that are legal in this State; or
 - B. Any assistance given to any person or entity that relates to the provision, securing, receiving of, or any inquiry concerning reproductive health care services that are legal in this State.

This restriction shall not apply to any investigation or proceeding involving conduct that would be subject to civil or criminal liability or professional sanction under the laws of Maine if committed in this State. Notwithstanding the general prohibition of this section, agencies and individuals acting on their behalf may provide information

or assistance in connection with such an investigation or proceeding in response to the written request of a person who is the subject of such an investigation or proceeding.

II. Facilitating Access to Reproductive Health Care Services. Members of the Cabinet shall:

- A. Conduct a review of laws and regulations their Departments are responsible for administering to identify barriers to reproductive health services;
- B. Exercise discretionary authority under the law to remove or minimize such barriers, including through the development of new policies or guidance;
- C. Ensure that accurate information on access to reproductive health services is widely available to the public;
- D. Communicate with Maine health care professionals about Maine policy and how other states' policies may affect their work;
- E. Consider the need for legislation or other measures to remove or minimize barriers to reproductive health services that Maine law may currently present;
- F. Take such other lawful actions as may be necessary and appropriate to promote the purposes of this Order.

III. Interstate Extradition. I intend to exercise my discretion as Governor within the law to decline requests for the arrest or surrender of any person charged with a criminal violation of a law of another state where the violation alleged involves the provision of, assistance with, securing of, or receipt of reproductive health services, unless the acts forming the basis of the prosecution of the crime charged would also constitute a criminal offense under Maine law.

IV. Definitions. For the purposes of this order, the term "*reproductive health care services*" includes all medical, surgical, counseling, or referral services relating to the human reproductive system, including, but not limited to, services relating to pregnancy, contraception, or the termination of a pregnancy.



Janet T. Mills
Governor