



Written by [James Murphy](#) on March 14, 2024

16 State Attorneys General Send Maine a Message on Transgender/Abortion Sanctuary Bill

Attorneys general from 16 states that have banned the barbaric practice of performing sex-change procedures on children have written to Maine's Governor Janet Mills, Attorney General Aaron Frey, Senate President Troy Jackson, and House Speaker Rachel Talbot Ross. The letter vehemently protested proposed legislation LD 227, called by some the "Transgender Trafficking Bill."



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[LD 227](#) seeks to shield healthcare providers in Maine who perform services such as transgender procedures on children or abortion from legal action by states who don't allow such treatments. The [letter](#) was sent by Tennessee Attorney General Jonathan Skrmetti and signed by AGs from 15 other states: Arkansas, Florida, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Montana, Nebraska, Oklahoma, South Carolina, South Dakota, Texas, and West Virginia.

"We, the undersigned Attorneys General, write to express serious concern regarding LD 227, a bill pending in the Maine Legislature. While it is extremely unusual for States to interject themselves into another State's lawmaking, LD 227's unique constitutional transgressions merit our comment," the letter stated.

The letter writers accused Maine of, essentially, offering law breakers in other states a safe haven in Maine.

"LD 227 seeks to contravene the lawful policy choices of our States' citizens by imposing on the rest of the country Maine's views on hotly debated issues such as gender transition surgeries for children. The law's far-reaching provisions are unprecedented," the AGs challenged. "LD 227 ... purports to shield from liability those offering or aiding the provision of unlawful services to citizens located in our States — a provision Planned Parenthood asserts would 'safeguard' Maine providers and patients from 'out-of-state laws that ban or restrict care that is legal in Maine.'"

The AGs also contend that the Maine law would create a right to sue officials in other states for enforcing their own states' laws.

"The law also creates a private right of action for damages against law enforcement, prosecutors, and other officials in our States who are enforcing our own valid state laws, even laws whose constitutionality has been confirmed by federal appellate courts. On top of that, LD227 purports to



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block valid orders and judgments from our state courts enforcing laws upheld by federal appellate courts.”

The letter also argued that the bill’s language is blatantly unconstitutional.

“As currently drafted, LD 227 violates the United States Constitution and flouts the federalist structure that allows each of our States to engage in self-government responsive to the will of our citizens,” the letter said. “The Constitution’s Full Faith and Credit Clause, and federal statutes implementing it, mean[s] no state cause of action should ever accrue from a different State lawfully enforcing its own permissible laws or executing valid judgments.”

The letter writers warned that such legislation could lead to a civil war of sorts in the courts.

“LD 227’s ill-considered attempt to influence and intimidate officials in other States could also trigger a rapid tit-for-tat escalation that tears apart our Republic.”

Maine Attorney General Aaron Frey was dismissive of the concerns raised by his counterparts in the 16 states.

“Unfortunately, shield laws have become necessary due to efforts in some objecting states to punish beyond their borders lawful behavior that occurs in Maine and other States,” [Frey wrote](#).

He further suggested: “Harmony between our states would be best preserved and promoted by the exercise of restraint by all parties seeking to control health care related policy choices in other states.”

Abortion advocates chimed in on the issue as well.

“If there was any doubt that reproductive health care and care for transgender people is under attack in Maine, this threat from out-of-state actors should serve as the latest proof that Maine needs to protect our providers, our health care infrastructure and access to this care,” said Planned Parenthood’s Lisa Margulies.

Nevertheless, the state AGs promised legal challenges should the bill as currently drafted become law.

“In America, we have the right to disagree. Maine has every right to decide what Maine’s laws are and how those laws should be enforced. But that same right applies to every State. One State cannot control another. The totalitarian impulse to stifle dissent and oppress dissenters has no place in our shared America. We will not allow laws like LD 227 to deter us from protecting the integrity of our States’ democratic processes. If Maine pursues LD 227’s constitutionally defective approach, we will vigorously avail ourselves of every recourse our Constitution provides.”

Sounds like a pitched legal battle between states is approaching, with a “Fort Sumter” moment coming in Maine.



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