

Before Trump Nominated Him For A Seat On The First Circuit Court Of Appeals, Joshua Dunlap Was A Vocal Anti-Abortion Activist And Represented Far Right Politicians

SUMMARY: Joshua Dunlap, a recent Trump [nominee](#) to the First Circuit Court of Appeals, has a history of anti-abortion activism, legislative records show. Specifically, Dunlap [testified in favor of a Maine bill proposing a parental consent requirement for minors seeking abortions in 2015](#) and [signed onto a testimony supporting a Maine fetal personhood bill in 2017](#).

In his [testimony](#) supporting the 2015 bill, Dunlap suggested that doctors were financially incentivized to encourage adolescents to terminate their pregnancies and stated that parental consent requirements were about protecting minors from abuse rather than providing an additional roadblock to abortion. To the contrary, [several groups opposing](#) the bill noted that minors who do not tell their parents before they seek an abortion often do so because they face sexual violence, physical abuse, or reproductive coercion at home.

In the case of the fetal personhood bill, the [testimony](#) Dunlap signed on to claimed the legislation was “purely and simply” about ensuring justice in instances of wrongful death of a fetus. [Opponents of the](#) bill noted that Maine law already provided comprehensive avenues for legal action in such cases, and argued that the bill was instead about establishing new legal rights for fetuses that could lead to restricting abortion down the line. [Neither bill](#) ultimately passed.

A corporate lawyer by day, Dunlap has long made forays into Republican politics. As early as 2006, he [interned](#) with Alliance Defending Freedom, an anti-abortion group that the Southern Poverty Law Center designates as an anti-LGBTQ+ hate group. In 2018, Dunlap [represented](#) Maine’s Republican Party in a law seeking exemption from a ranked choice voting law, and in 2023 and 2024, Dunlap represented far-right Maine legislator Laurel Libby—who has received [an outpouring of dark money](#) from conservative activist Leonard Leo—in [lawsuits challenging](#) PAC spending limit statutes. At the time of his nomination, he was also the [chair](#) of Maine’s Appellate Rules Committee.

Joshua D. Dunlap, President Trump’s Nominee For The First Circuit Court Of Appeals, Supported Restrictive Abortion Bills In Maine.

July 2025: President Trump Nominated Joshua D. Dunlap To The First Circuit Court Of Appeals.

July 2025: Trump Nominated Joshua D. Dunlap To Serve As Judge On The United States Court Of Appeals For The First Circuit.



It is my Great Honor to nominate Joshua D. Dunlap, of the Great State of Maine, to serve as a Judge on the United States Court of Appeals for the First Circuit. Joshua is a seasoned litigator, with a TON of excellent experience, appearing before the First Circuit, and all levels of the Federal and State Judiciary. He is a Partner at Pierce Atwood LLP in Portland, Maine, and earned his J.D. from Notre Dame. We need more TOUGH and SMART Judges on the Federal Bench, who fearlessly defend our Constitution, and Joshua will do just do that. Congratulations Joshua!

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Jul 02, 2025, 5:50 PM

[Truth Social, @realDonaldTrump, [7/2/25](#)]

A Maine-Based Corporate Lawyer, Dunlap Has Long Moonlighted As An Attorney For The Far Right, Including A Stint At “Hate Group” Alliance Defending Freedom And Representing Maine Republicans In Political Lawsuits.

Dunlap Attended Notre Dame Law School And Has Worked As A Corporate Lawyer For A Portland, Maine-Based Law Firm Since 2009.

Dunlap Graduated From The University Of Notre Dame Law School In 2008.

Education



University of Notre Dame Law School

J.D.

2005 - 2008

Note Editor, Notre Dame Law Review

[LinkedIn, accessed [7/16/25](#)]

Dunlap Has Worked At Pierce Atwood LLP, A Portland, Maine-Based Law Firm Where He Is Currently Partner, Since 2009.

Experience



Pierce Atwood LLP

15 years 11 months

- Partner**

Jan 2018 - Present · 7 years 7 months

Portland, Maine

Partner in the litigation group of Pierce Atwood. Admitted to practice in Maine, New Hampshire, and Massachusetts.

- Litigation Associate**

Sep 2009 - Dec 2017 · 8 years 4 months

Portland, ME

[LinkedIn, accessed [7/7/25](#)]

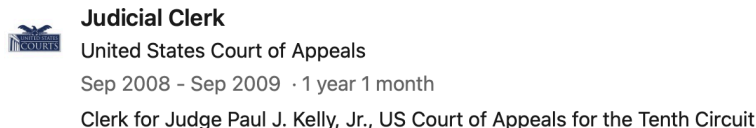
- **Pierce Atwood Law Firm Is Based In Portland, Maine.** “For more than 125 years, Portland, Maine has been home to Pierce Atwood’s flagship office, where we offer a full array of legal services, including environmental law, business law, energy law, real estate law, intellectual property, commercial litigation, as well as cutting edge practices such as technology transactions and outsourcing, privacy and data security, AI/Machine Learning, and more.” [Pierce Atwood, accessed [7/8/25](#)]
- **Dunlap Is A Member Of Pierce Atwood’s Litigation Group And Co-Chair Of The Firms Appellate And Amici Team.** Dunlap, a member of Pierce Atwood’s Litigation Group and co-chair of the firm's Appellate & Amici team, focuses his practice on civil litigation at both the trial and appellate levels. He appears in federal as well as state court, representing clients in various commercial litigation matters.” [Pierce Atwood, accessed [7/7/25](#)]

Dunlap’s Work Centers Around Defending Financial Institutions And Manufacturers In Complex Litigation, Such As Class Action Law Suits And Multidistrict Litigation. “Joshua regularly defends clients in complex litigation, including class actions and multidistrict litigation. Much of his practice has involved representing financial institutions, manufacturers, retailers, and other institutional clients in state and national consumer class actions involving various issues, including bank overdrafts, products liability, and electronic data breaches.” [Federalist Society, accessed [7/7/25](#)]

- **Pierce Atwood Law Firm Has Represented Large National Banks In Overdraft Litigation.** Pierce Atwood represents a large national bank in an overdraft fee MDL pending in the District of South Carolina. [...] Pierce Atwood has also represented state chartered banks in overdraft fee litigation, successfully negotiating a settlement in one case and currently defending a bank in another.” [Pierce Atwood, accessed [7/9/25](#)]

Dunlap Clerked For Tenth Circuit Judge Paul J. Kelly Jr., An H.W. Bush Appointee.

According To His Personal LinkedIn, Dunlap Served As A Judicial Clerk For Judge Paul J. Kelly, Jr., Of The U.S. Courts Of Appeals For The Tenth Circuit.



[LinkedIn, accessed [7/7/25](#)]

- **Judge Paul J. Kelly, Jr. Was Nominated By President George H.W. Bush In 1991.** “Nominated by George H.W. Bush on November 19, 1991, to a new seat authorized by 104 Stat. 5089. Confirmed by the Senate on April 8, 1992, and received commission on April 13, 1992.” [Federal Judicial Center, accessed [7/9/25](#)]

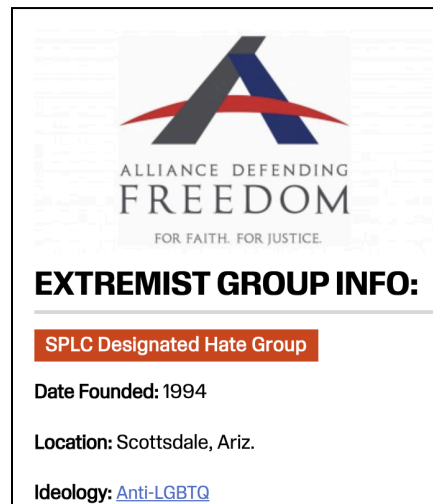
In 2006, Dunlap Interned At Alliance Defending Freedom—A Southern Poverty Law Center-Designated Hate Group That Pushes An Extreme Anti-LGBTQ+ And Anti-Abortion Agenda.

In His Disclosure To The Senate Judiciary Committee, Dunlap Noted That He Completed An Internship At The Alliance Defense Fund (Now The Alliance Defending Freedom) In 2006.

Summer 2006
Alliance Defense Fund (now Alliance Defending Freedom)
15333 North Pima Road
Suite 165
Scottsdale, Arizona 85260
Legal Intern

[U.S. Senate Committee on the Judiciary, Questionnaire for Judicial Nominees of Joshua D. Dunlap, 6/26/25]

The Southern Poverty Law Center Has Designated ADF As Extremist And An Anti-LGBTQ+ Hate Group.



[Southern Poverty Law Center, accessed [2/23/24](#)]

- **According To SPLC, The Alliance Defending Freedom Aims To “Outlaw Abortion,” Dismantle The Rights Of “LGBTQ People Worldwide,” And Legislate According To A “Hard-Right Christian Theocratic Worldview.”** “Under Sears’ leadership, ADF expanded its training, funding and outreach not only domestically but internationally. Using its international platforms, ADF works with policymakers and other organizations to outlaw abortion, deny equality and marriage to LGBTQ people worldwide, and continue to push for a hard-right Christian theocratic worldview that is reflected in legislation and policies.” [Southern Poverty Law Center, accessed [6/13/23](#)]

Dunlap Is A Contributor To The Federalist Society, A Powerful Network Of Conservative Lawyers, Law Professors, And Judges.

The Federalist Society Is A Powerful Group That Serves As A Hub For The Conservative Legal Movement, Funneling Right-Wing Lawyers Into Positions Of Prominence Within The Legal World. “In the second year of Donald Trump’s presidency, a young lawyer with crisply shorn blond hair approached the podium at a gathering for Texas members of the Federalist Society, a conservative legal group that wields immense power in the US judicial system... Groups like the Federalist Society – an organization dedicated to reforming the court ‘to place a premium on individual liberty, traditional values, and the rule of law’ – created a pipeline of legal talent ready to fill federal judgeships. In 1986, as a young law student at Cornell

Law School, Leo founded a chapter of the group. He eventually ascended the ranks of the organization to become co-chair of its board of directors and build a network of conservative lawyers and law students throughout the country who could be candidates for judgeships throughout the federal system.” [The Guardian, [10/22/24](#)]

Joshua Dunlap Is Listed As A “Contributor” On The Federalist Society’s Website.



[The Federalist Society, accessed [7/16/25](#)]

As Of July 2025, Dunlap Was The Chair Of Maine’s Appellate Rules Committee.

As Of July 2025, Dunlap Served As The Chair Of the Maine Appellate Rules Committee.

“He also serves as chair of the Maine Appellate Rules Committee, an appointment made by the Maine Supreme Judicial Court.” [News Center Maine, [7/4/25](#)]

- **The Maine Appellate Rules Committee “Reviews The Maine Rules Of Appellate Procedure, Makes Recommendations To The [Maine Supreme Judicial Court] Regarding Rule Amendments, And Drafts New Or Amended Appellate Rules.”** “The Advisory Committee on the Maine Rules of Appellate Procedure was established in 2016 by order of the Maine Supreme Judicial Court (SJC). The Committee is comprised of ten members who are appointed by the Chief Justice of the SJC. The Committee reviews the Maine Rules of Appellate Procedure, makes recommendations to the SJC regarding rule amendments, and drafts new or amended appellate rules in order to clarify existing rules or to address new legal issues.” [State of Maine Judicial Branch, accessed [7/9/25](#)]

2018: Dunlap Was Lead Counsel On An Unsuccessful Lawsuit By The Maine Republican Party Seeking Exemption From A Maine Ranked Choice Voting Law In Its Primary Election.

May 2018: Joshua Dunlap Was Lead Attorney For The Maine Republican Party In A Lawsuit Seeking Exemption From A Maine Ranked Choice Voting Law In Its Primary Election.

VERIFIED COMPLAINT

Plaintiff Maine Republican Party (the “Party”) hereby files this Complaint for Declaratory Judgment and Injunctive Relief, complaining of Defendant Matthew Dunlap, Secretary of State for the State of Maine (the “Secretary”), and respectfully alleges as follows:

INTRODUCTION

1. Plaintiff asks the Court to declare the Act to Establish Ranked-Choice Voting (the “RCV Act”), to be unconstitutional as applied to the Party’s process for nominating its candidates for federal and state elected office. The RCV Act severely burdens the Party’s right to freedom of association under the First and Fourteenth Amendments to the U.S. Constitution.

[...]

Respectfully submitted,

/s/ Joshua D. Dunlap

Ann R. Robinson

Joshua D. Dunlap

PIERCE ATWOOD LLP

[*Maine Republican Party v. Dunlap*, complaint via DocumentCloud, [5/4/18](#)]

August 2018: The Lawsuit Concluded In Favor Of The Defendant, The Maine Secretary Of State.

In accordance with the Order entered on August 3, 2018 by U.S. District Judge, Jon D. Levy, Judgment is hereby entered in favor of the Defendant, Matthew Dunlap, in his capacity as Secretary of State for the State of Maine and against the Plaintiff, Maine Republican Party.

[*Maine Republican Party v. Dunlap*, judgement via DocumentCloud, [8/3/18](#)]

2023-2024: Dunlap Represented Far-Right Maine Rep. Laurel Libby In Two Lawsuits Challenging PAC Spending Limits.

Laurel Libby Is A Far-Right Maine Lawmaker Who Rose To Prominence For Her Vocal Opposition To COVID-19 Safety Rules. “After the Democratic-led Maine House of Representatives voted along party lines last Tuesday to censure Rep. Laurel Libby, she stood with her head held high below the speaker’s rostrum. The Auburn Republican refused to apologize for social media posts picturing and identifying a transgender girl who won an indoor track and field title last month... Libby, a Bangor-born former nurse, made her foray into politics when the Democratic-led Legislature was debating a strict school vaccine law... She gained prominence in 2021 when she joined six other lawmakers in a protest of pandemic-era State House mask rules.” [Bangor Daily News, [3/3/25](#)]

- **Libby Was First Elected To The Main House Of Representatives In 2020.** “General election for Maine House of Representatives District 64 [...] Laurel Libby defeated

incumbent Bettyann W. Sheats in the general election for Maine House of Representatives District 64 on November 3, 2020.” [Ballotpedia, accessed [7/15/25](#)]

- **Libby Has Been Described As “Somewhat Of A Pariah In Augusta, [Maine,] Even Among Republicans Who Don’t Like Her Hardball Tactics.”** “Libby is a standout fundraiser and organizer who has long been somewhat of a pariah in Augusta, even among many Republicans who don’t like her hardball tactics. But the censure led them to stand up for Libby — if not with her. She is now probably Maine’s best-known lawmaker, even though she is beginning to treat the State House as a bit of an afterthought.” [Bangor Daily News, [3/3/25](#)]
- **February 2025: Libby Laurel Was Censured By The Maine House Of Representatives After She Posted A Photo Of A Transgender Student Along With Her Name.** “Libby, who has been highly critical of her state’s policy to allow transgender athletes to compete in high school sports, posted a photo on 17 February of a student athlete who had won a girls’ pole vault event alongside a photo of the same student participating in a boys’ competition in a previous year. The post garnered significant backlash, in part because it included the student’s name and photo – prompting concerns about the student’s safety and privacy. After her refusal to take down the post, Libby has been barred from speaking on the chamber floor since the end of February. Libby was censured along party lines in a 75-70 vote.” [The Guardian, [5/20/25](#)]

Joshua Dunlap Was Lead Counsel On *Libby v. Schneider* (2023).

Respectfully submitted,

/s/ Joshua Dunlap

Joshua D. Dunlap

Pierce Atwood LLP

254 Commercial Street

Merrill’s Wharf

Portland, ME 04101

207-791-1100

jdunlap@pierceatwood.com

Counsel of Record for Plaintiffs

[*Libby v. Schneider*, complaint via DocumentCloud, [5/30/23](#)]

- **May 2023: Maine Rep. Laurel Libby Filed A Lawsuit (*Libby v. Schneider*, (2023)) Challenging A 2023 Maine Campaign Finance Law Establishing A \$5,000 Contribution Limit On Leadership PACs.** “Laurel Libby... The Dinner Table PAC... v. William J. Schneider... Before 2023, all state legislators had equal ability to control political action committees (PACs). All legislator-led PACs had no fundraising limits. But now, in Orwellian style, some legislators have become “more equal” than other legislators... Maine’s contribution limit on leadership PACs violates the First Amendment freedoms of speech and association. Maine’s interest in combatting corruption cannot justify such a limit. In fact, corruption is better fought by eliminating this limit—particularly when party leaders are not equally constrained. Accordingly, 21- A MRSA 1056-C, should be declared unconstitutional and enjoined, both preliminarily and permanently.” [*Libby v. Schneider*, complaint via DocumentCloud, [5/30/23](#)]
- **June 2023: The Plaintiffs Dismissed The Lawsuit After The Main Legislature Repealed The Statute.** “Plaintiffs Laurel Libby, Alexander Titcomb, Paula Sutton, The

Dinner Table PAC, The Fight for Freedom PAC, and Machias Christian Fellowship, pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, hereby dismisses all causes of action in the complaint against Defendants William J. Schneider, David R. Hastings, Sarah E. LeClaire, Dennis Marble, Stacey D. Neumann, and Aaron M. Frey without prejudice. Plaintiffs are dismissing this action because Plaintiffs have received their requested relief. Since the Complaint's filing, the Maine legislature passed LD 726, which repealed 21-A M.R.S. § 1056-C, the statute at issue in this matter. Governor Janet Mills signed LD 726 into law on June 22, 2023." [*Libby v. Schneider*, notice of dismissal via DocumentCloud, [6/23/23](#)]

Joshua Dunlap Represented PACs Affiliated With Maine Rep. Laurel Libby In A Lawsuit Challenging The Constitutionality Of A Successful 2024 Maine Ballot Referendum That Imposed A \$5,000 Spending Limit On Super PACs. "Political groups tied to a Republican state lawmaker filed a lawsuit Friday that challenges the legality of a referendum that Maine voters overwhelmingly approved in November to limit donations to committees that can spend freely in candidate elections. The lawsuit from Dinner Table Action, a political action committee connected to Rep. Laurel Libby, R-Auburn, and For Our Future, a related group run by activist Alex Titcomb, is the first to challenge the referendum that limits individuals and groups to donating \$5,000 per year to committees that make so-called independent expenditures for or against candidates... Titcomb's and Libby's groups are represented by attorneys Joshua Dunlap of Pierce Atwood in Portland..." [Bangor Daily News, [12/13/24](#)]

- **November 2024: With 75 Percent Approval, Maine Voters Passed A Ballot Measure Implementing A Campaign Finance Rule That Set A \$5,000 Spending Limit On Super PACs.** "In November, a measure passed by nearly 75% to place a \$5,000 limit on super PACs, which are independent political action committees that can currently raise and spend unlimited funds. But the law did not take effect when it was set to on Dec. 25." [States Newsroom, [1/13/25](#)]
- **Shortly After The Lawsuit Was Filed, The Defendants, Maine Attorney General Aaron Frey And The Maine Ethics Commission, Agreed Not To Enforce The Limits Until May 2025.** "The new law was set to take effect Dec. 25, but U.S. Magistrate Judge Karen Frink Wolf wrote in a Friday order that the defendants — Attorney General Aaron Frey and Maine Ethics Commission members — have agreed to not enforce the limits until May 30, 2025, to give more time to resolve the lawsuit and avoid the need for the plaintiffs to seek a temporary injunction." [Bangor Daily News, [12/20/24](#)]
- **July 2025: A Federal Magistrate Judge Ruled The Law Unconstitutional Along First Amendment Grounds.** "A federal court ruled on Tuesday that the law Maine voters passed in 2024 to set limits on so-called super PACs is unconstitutional — the second time within a few days that challenges to Maine's voter-backed campaign finance restrictions have prevailed... The ruling in the U.S. District Court for the District of Maine by U.S. Magistrate Judge Karen Frink Wolf concluded both constitute violations of the First Amendment." [States Newsroom, [7/16/25](#)]

Legislative Records Show That Dunlap Pushed For Restrictive Abortion Laws In Maine In 2015 And 2017.

In 2015, Dunlap Testified In Favor Of A Maine Bill That Would Have Established A Parental Consent Requirement For Minors Seeking Abortions.

January 2015: Maine Senators Introduced LD 83, A Bill That Would Enact A Parental Consent Requirement For Minors Seeking Abortions Within The State.

Legislative Document	No. 83
S.P. 31	In Senate, January 20, 2015
An Act To Strengthen the Consent Laws for Abortions Performed on Minors and Incapacitated Persons	

[...]

Presented by Senator DAVIS of Piscataquis.
Cosponsored by Representative NADEAU of Winslow and
Senators: BRAKEY of Androscoggin, BURNS of Washington, President THIBODEAU of
Waldo, Representatives: ESPLING of New Gloucester, REED of Carmel, SHORT of
Pittsfield, SIROCKI of Scarborough, STANLEY of Medway.

[Maine Legislature, [1/20/15](#)]

- **The Bill Implemented A Parental Consent Requirement For Minors Seeking Abortions.** “As amended by the Judiciary Committee, LD 83 — sponsored by Sen. Paul Davis, R Sangerville — would have required that all girls younger than 18 years old who sought abortions would have to obtain their parent’s permission or petition a probate or district court judge, except in the case of a medical emergency.” [Press Herald, [4/8/18](#)]
- **The Bill Was Introduced By Sen. Paul Davis (R).** “As amended by the Judiciary Committee, LD 83 — sponsored by Sen. Paul Davis, R Sangerville — would have required that all girls younger than 18 years old who sought abortions would have to obtain their parent’s permission or petition a probate or district court judge, except in the case of a medical emergency.” [Press Herald, [4/8/18](#)]

March 2015: Dunlap Testified In Support Of LD 83.

Testimony of Joshua D. Dunlap, Esq. in Support of LD 83, “An Act to Strengthen the Consent Laws for Abortions Performed On Minors and Incapacitated Persons” Joint Standing Committee on the Judiciary March 13, 2015
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[...]

I am pleased to support LD 83, “An Act to Strengthen the Consent Laws for Abortions Performed on Minors and Incapacitated Persons.” I do so for two reasons. First, LD 83 will bring Maine’s abortion consent requirements into line with states such as Massachusetts and Rhode Island. Second, LD 83 will bring Maine’s abortion consent requirements into line with its requirements for consent to most other medical procedures. By strengthening consent requirements, LD 83 will ensure that minors are adequately protected under state law.

[mainelegislature.org, [3/13/15](#)]

- **In His Testimony, Dunlap Suggested That Doctors “Financially Benefit” When Minors Get Abortions And Claimed That Allowing Minors To Obtain Abortions Without Their Parent’s Consent “Leaves [Them] Susceptible To Manipulation And Abuse.”** “The absence of protective requirements for minors regarding abortions leaves minors susceptible to manipulation and abuse. Given that current law gives physicians sole discretion in determining if the minor is mentally and physically capable of consent, the minor’s fitness to consent is judged by the same individual who would financially benefit from that consent. Further, absent an effective parental or guardian consent requirement, abusers are easily able to manipulate a minor to obtain an abortion without the parents knowledge. In so doing, the abuser will be able to escape detection and legal punishment. Accordingly, the absence of an effective parental consent requirement leaves Maine children vulnerable.” [Maine Legislature, [3/13/15](#)]

2015: The Parental Consent Bill Failed In The Legislature. “House and Senate lawmakers rejected a bill on Wednesday that would have required young women to obtain consent from a parent or other adult before undergoing an abortion.” [Portland Press Herald, [6/17/15](#)]

While Dunlap Claimed That A Parental Consent Requirement Was Needed To Protect Minors From “Manipulation And Abuse,” A Number Of Groups Argued That Decisions Not To Inform One’s Parents Are Often Motivated By Valid Safety Concerns.

Planned Parenthood Of Northern New England Issued A Letter Opposing LD 86.

Planned Parenthood of Northern New England Opposes L.D. 86 “An Act to Strengthen the Consent Laws for abortions performed on Minors and Incapacitated Persons”

[Maine Legislature, [5/22/15](#)]

- **Planned Parenthood: “Young Women Who Choose Not To Involve A Parent Often Have Very Real Concerns For Their Safety,” And Evidence Shows That Parental Consent Requirements Merely Result In More Abortions “In A Nearby State Which Would Not Mandate A Parent’s Presence.”**

Repealing this law and replacing it with a “one-size-fits all” government mandate will not help parents keeps their daughters safe. Young women who choose not to involve a parent often have very real concerns for their safety. In states which have parental consent laws, and this bill would be one of the most strict, there is no evidence that fewer minors seek abortion – the strongest evidence shows that the young women seek the abortion in a nearby state which would not mandate a parent’s presence.

[Maine Legislature, [5/22/15](#)]

The ACLU Of Maine Submitted Testimony Opposing LD 83.

TESTIMONY OF ALISON BEYEA

LD 83: Ought Not To Pass

An Act To Strengthen the Consent Laws for Abortions Performed on Minors and Incapacitated Persons

JOINT STANDING COMMITTEE ON JUDICIARY

May 13, 2015

Good afternoon, Senator Burns, Representative Hobbins, and members of the Committee on Judiciary. My name is Alison Beyea and I am the executive director of the ACLU 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 urge you to vote “ought not to pass” to LD 83.

[Maine Legislature, [5/13/15](#)]

- **The ACLU Of Maine: “For Some Young People, It Is Not Safe To Talk To Their Parents About Reproductive Health Services Including Abortion.”**

However, Maine’s current law also recognizes that not all families are the same. For some young people, it is not safe to talk to their parents about reproductive health services including abortion. In homes where physical abuse or neglect is prevalent, it can be dangerous for a young person to have this conversation with their parents. Some parents may even discourage or oppose counseling or healthcare treatment because they do not want their own abuse or neglect revealed to an outside party. We must not turn our backs on these young people at risk, even if their parents have.

[Maine Legislature, [5/13/15](#)]

- **The ACLU Of Maine’s Testimony Also Noted That The Bill’s “Alternative Consent” Provision Would Require Someone To Declare That They Are Victims Of Sexual Abuse, Neglect, Or Physical Abuse In Order To Bypass The Requirement.**

Second, while this bill does include an “alternative consent” provision, the conditions are highly concerning: LD 83 would require a young woman to sign a statement that she is the victim of sexual abuse, neglect or physical abuse in order to bypass the strict parental consent requirement. Even if she does that, the bill only allows for alternative consent to be given by a sibling over the age of 21, a stepparent or a grandparent.

[Maine Legislature, [5/13/15](#)]

- **The ACLU Of Maine: “A Young Person Should Not Have To Choose Between Reporting Her Abuser And Accessing Necessary Medical Care.”**

Furthermore, victims must never be forced to tell their stories and name their abusers. To mandate that a young person indict her parent will serve only to shame that young person, subjecting her to levels of fear and anxiety arguably more severe than having to go to court. A young person should not have to choose between reporting her abuser and accessing necessary medical care.

[Maine Legislature, [5/13/15](#)]

The Maine Coalition To End Domestic Violence (MCEDV) Submitted A Letter Opposing LD 83. [Maine Legislature, [5/13/15](#)]

- **MCEDV: This Bill Puts Minors At Risk Of Reproductive Coercion By Their Parents, Particularly In Homes Where Domestic Violence Is Present.**

We are very concerned about the implications of this bill on young women growing up in homes where domestic violence is present. We believe it provides an opportunity for the abuser to extend his reproductive coercion to the next generation. In our experience, in homes with domestic violence we cannot assume that the non-abusive parent will be in a position to give consent, and we have to assume that the abusive parent will be in the primary position to decide. For the

[...]

young woman living with this dynamic, even disclosing her pregnancy could be very dangerous.

[Maine Legislature, [5/13/15](#)]

- **MCEDV: “For The Young Woman Living With This Dynamic, Even Disclosing Her Pregnancy Could Be Very Dangerous. “**

We are very concerned about the implications of this bill on young women growing up in homes where domestic violence is present. We believe it provides an opportunity for the abuser to extend his reproductive coercion to the next generation. In our experience, in homes with domestic violence we cannot assume that the non-abusive parent will be in a position to give consent, and we have to assume that the abusive parent will be in the primary position to decide. For the

[...]

young woman living with this dynamic, even disclosing her pregnancy could be very dangerous.

[Maine Legislature, [5/13/15](#)]

The Maine Chapter Of The National Association Of Social Workers (NASW) Submitted A Letter Opposing L.D. 83. [Maine Legislature, [5/22/15](#)]

- **Maine Chapter Of The NASW: This Bill Would Undermine Women’s Right To Self-Determination In All Matters Related To Birth Control, Childbirth, And Abortion, And Impose Prohibitive Roadblocks For Adolescents Seeking Abortions.** “The Maine Chapter of the NASW opposes this legislation because NASW supports the right of all women to self-determination in all matters related to birth control, childbirth and abortion... Taking time to go before a judge whose job it would be to rule on your access to this medical procedure is both intimidating and foot dragging. For many adolescents and incapacitated persons who do not desire to have a child, this alone would be enough to prevent them from seeking an abortion.” [Maine Legislature, [5/22/15](#)]

In 2017, Dunlap Signed On To Testimony In Favor Of A Maine Fetal Personhood Bill That Would Have Allowed Family Members To File Wrongful Death Lawsuits For Fetuses Past 24 Weeks.

2017: Maine House Legislators Introduced A Fetal Personhood Bill That Would Allow Family Members To Sue For The “Wrongful Death Of A Fetus.” “The Maine Legislature is considering a bill that would allow legal action be taken for the wrongful death of a fetus. The measure is similar to legislation in other states, but opponents, including abortion rights advocates, say it will infringe on a woman’s right to control her own health. The proposal sets viability at 24 weeks, and would allow parents to file a wrongful death suit for actions leading to

the death of a fetus over that age. State Rep. Ellie Espling, a Republican from New Gloucester, is sponsor of the bill.” [Maine Public Radio, [5/17/17](#)]

- **Maine LD 327 Was Introduced In January 2017.**

FIRST REGULAR SESSION-2017	
Legislative Document	No. 327
H.P. 241	House of Representatives, January 31, 2017
An Act To Allow a Wrongful Death Cause of Action for the Death of a Viable Fetus	

[Maine Legislature, [1/31/17](#)]

- **The Bill Was Sponsored By Maine State Rep. Ellie Espling, A Republican.** “The Maine Legislature is considering a bill that would allow legal action be taken for the wrongful death of a fetus... State Rep. Ellie Espling, a Republican from New Gloucester, is sponsor of the bill.” [Maine Public Radio, [5/17/17](#)]

The Bill Assigned Fetuses Legal Personhood At 24 Weeks. “The proposal sets viability at 24 weeks, and would allow parents to file a wrongful death suit for actions leading to the death of a fetus over that age. State Rep. Ellie Espling, a Republican from New Gloucester, is sponsor of the bill.” [Maine Public Radio, [5/17/17](#)]

Dunlap Signed Onto The Testimony Of Attorney Daniel J. Mitchell Submitted In Favor Of LD 327.

Testimony of Daniel J. Mitchell in Support of LD 327, An Act to Allow a Wrongful Death Cause of Action for the Death of an Unborn Child

Senator Keim, Representative Moonen, and members of the Joint Standing Committee on Judiciary, my name is Dan Mitchell. I have been a practicing attorney since 1997, and I am a shareholder in the Litigation Practice Group at Bernstein Shur. My practice is devoted almost entirely to civil litigation. I am a Member of the Board of Governors of the Maine Trial Lawyers Association, and I favor expanded access to our civil justice system. I offer this testimony in support of LD 327, *An Act to Allow a Wrongful Death Cause of Action for the Death of an Unborn Child*.

[...]

We, the undersigned, members of the Maine Bar, express support for LD 327 and concur with Dan Mitchell’s above written statement:

[...]

Joshua Dunlap
Pierce Atwood, LLP
Former law clerk, US Court of Appeals for the 10th Circuit

[Maine Legislature, [5/18/17](#)]

Mitchell Claimed That The Bill Was “Purely And Simply... About Providing Access To Justice,” And Not About Advancing An Anti-Abortion Agenda. “Purely and simply, this bill is about providing access to justice to the living relatives of an unborn viable fetus whose death is caused by the tortious conduct of another. Every other New England state provides for a cause of action for the wrongful death of an unborn viable fetus. Maine is one of only ten states, and is the only New England state, that continues to follow the so-called live-birth rule, which bars a wrongful death action on behalf of an unborn fetus unless it is first born alive and then dies.” [Maine Legislature, [5/18/17](#)]

2017: The Bill Ultimately Fell Short In Its Maine House Vote. “Lawmakers have narrowly rejected a bill that would have allowed the family of a fetus who dies before birth to sue for wrongful death. The Sun Journal reported that the bill was rejected in a 72-71 vote in the House on Friday.” [Portland Press Herald, [6/9/17](#)]

Numerous Other Groups, Contrary To The Testimony, Noted That The Bill Was Unnecessary In Light Of Already-Present Legal Recourse Avenues, And Instead Motivated By Anti-Abortion Goals Achieved By Establishing New Fetal Legal Rights.

Planned Parenthood Of Northern New England (PPNNE) Submitted A Testimony Opposing LD327.

Planned Parenthood of Northern New England Opposes L.D. 327 “An Act to Allow a Wrongful Death Cause of Action for the Death of a Viable Fetus”

[Maine Legislature, [5/18/17](#)]

- **PPNNE: “Maine Law Already Imposes Enhanced Penalties For Violent Acts That Intentionally Compromise A Pregnancy Without Recognizing The Fetus As A Legal Entity” Other Than The Mother, And Allows For Compensation Due To Negligence Resulting In Loss Of The Fetus.** “Interference with a woman's right to bear a child should be prevented and punished, and Maine law already imposes enhanced penalties for violent acts that intentionally compromise a pregnancy without recognizing the fetus as a legal entity separate and distinct from the woman who has been harmed. It bears noting that the Maine Legislature wrestled with this same question before you when evaluating criminal statutes and the treatment of pregnancy loss and very purposefully determined that the law should focus on the pregnant woman. Maine law also allows for compensation to women when they experience pregnancy loss due to criminal or civil negligence of a third party and the state prohibits post viability abortions. Moreover, women who lose a pregnancy due to a health care provider's negligence may already sue under medical malpractice.” [Maine Legislature, [5/18/17](#)]
 - **PPNNE: Pregnant Women In Maine Have Also Successfully Sued Under The Emergency Medical Treatment & Active Labor Act (EMTALA) When Medical Negligence Has Led To The Loss Of A Pregnancy.** “There is also a federal law, the Emergency Medical Treatment & Active Labor Act that protects patients who are negligently denied treatment from a hospital, and pregnant women in Maine have successfully sued under the law when such negligence has led to a miscarriage.” [Maine Legislature, [5/18/17](#)]
- **PPNNE: Rather Than Expanding Justice, This Bill “Seeks To Alter The Existing Legal Framework With The Intention Of Undermining The Foundations Of Reproductive Rights.”** “Maine law works best when it is consistent and clear, especially when addressing sensitive matters like loss of a pregnancy and abortion. Unfortunately, LD 327 doesn't meet that legal test. Instead, it seeks to alter the existing legal framework with the intention of undermining the foundations of reproductive rights for women.” [Maine Legislature, [5/18/17](#)]

- **PPNNE: Given That Maine Law Already Addresses Both Criminal And Civil Claims For Women Who Have Experienced Pregnancy Loss At Others' Hands, The Bill "Appears To Be More In Line With The Pro Life Movement's Goal Of Attaching Independent Rights To A Fetus."** "If Maine law addresses both criminal and civil claims for women who have experienced pregnancy loss at the hands of others then what is the intent of this bill? Given that the language is modeled after language in Americans United for Life's legislative handbook, the proposal appears to be more in line with the pro life movement's goal of attaching independent rights to a fetus that may be use in the future to undermine women's reproductive rights." [Maine Legislature, [5/18/17](#)]

The ACLU Of Maine Submitted A Testimony Opposing LD 327.

Greetings Senator Keim, Representative Moonen, and members of the Judiciary Committee. My name is Alison Beyea and I am the Executive Director of the American Civil Liberties Union of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the United States and Maine Constitutions through advocacy, education, and litigation. On behalf of our members, we oppose LD 327.

[Maine Legislature, [5/16/17](#)]

- **ACLU Of Maine: "LD 327 Is An Antiabortion Bill Advocated By Antiabortion Activists."** "Regardless of our political or religious views, we can all agree that pregnant women deserve special protection under the law and should be treated with compassion and care. The area of disagreement between proponents and opponents of this bill is not about Whether pregnant women should be protected and people who in ict harm appropriately punished under the law. Where we disagree is on the fundamental question of whether abortion should be legal under the Constitution and the laws of Maine and the United States. LD 327 is an antiabortion bill advocated by antiabortion activists." [Maine Legislature, [5/16/17](#)]
- **ACLU Of Maine: "Maine Law Already Provides Avenues Criminal And Civil Remedies Under The Law For Harm To A Pregnant Woman Causing Damage Or Loss Of Her Pregnancy."** "LD 327 Is Unnecessary Because Maine Law Already Provides Criminal And Civil Remedies Under The Law For Harm To A Pregnant Woman Causing Damage Or Loss Of Her Pregnancy." [Maine Legislature, [5/16/17](#)]

The Mabel Wadsworth Center Submitted A Testimony Opposing LD 327.

Statement of Andrea Irwin, JD, Executive Director of Mabel Wadsworth Center

LD 327 – Ought Not to Pass

To the Joint Standing Committee on Judiciary Speaking in opposition of: L.D. 327 "An Act To Allow a Wrongful Death Cause of Action for the Death of a Viable Fetus"

[Maine Legislature, [5/16/17](#)]

- **The Mabel Wadsworth Center "Is The Only Not-For-Profit, Private, Independent Feminist Health Center In Maine."** "Mabel Wadsworth Center is the only not-for-profit, private, independent feminist health center in Maine and one of just a handful nationwide. Their mission is to provide health care using a feminist model focused on sexual and reproductive health through education, advocacy, and clinical services." [mainequerhealth.org, accessed [7/15/25](#)]

- **Mabel Wordsworth Center: “The Purpose Of This Bill Is To Grant New Legal Rights To A Fetus And Erode Women’s Access To Safe And Legal Abortion.”** “Finally, I would ask that you consider the intent of this proposal. This proposal is clearly taken from anti-abortion advocates who seek to restrict women's access to safe and legal abortion. The purpose of this bill is to grant new legal rights to a fetus and erode women's access to safe and legal abortion.” [Maine Legislature, [5/16/17](#)]

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