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## Reproductive Rights Groups File Lawsuit to Expand Access to Abortions

by Andy O'Brien

Thursday, October 5, 2017 2:00 PM

Last week, American Civil Liberties Union, Planned Parenthood, and ACLU of Maine filed a challenge to a 1979 state law that bars nurse practitioners and nurse-midwives from performing abortions. Under Maine law, only doctors may perform the procedure, but the groups argue that advanced practice registered nurses (APRNs) have rigorous medical training and already perform surgical procedures that are as complex as abortions. Lawyers for the plaintiffs — which include four APRNs and the abortion providers Planned Parenthood and Maine Family Planning — say the law “severely restricts access to abortion care in the medically underserved state” and imposes an undue burden on a woman’s

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right to choose an abortion.

“All of us want women to have access to safe medical care,” said Dr. Raegan McDonald-Mosley, chief medical officer of Planned Parenthood, in a statement. “Medical experts oppose outdated restrictions like this one because they don’t help keep women safe, and aren’t grounded in thorough research or the best science. We are in court on behalf of our patients, because everyone deserves the right to access safe, legal abortion.”

Maine is one of 44 states that limit non-physician clinicians from performing abortions, while five states — California, Montana, Oregon, New Hampshire and Vermont — allow APRNs to provide abortion care. Some states allow APRNs to perform non-surgical, medication abortions, which involve taking pills to terminate a pregnancy, but not aspiration abortions that require the use of a suction device to remove the fetus. Medication abortions are only available within the first 10 weeks of pregnancy, and after that a patient must have an aspiration abortion. Currently, women seeking an abortion after 10 weeks can choose from only three health centers in the state, including Maine Family Planning in Augusta, Planned Parenthood in Portland and Mabel Wadsworth Center in Bangor. While Maine Family Planning has 17 smaller clinics — including in Rockland, Damariscotta and Belfast — they are staffed exclusively with APRNs because there is a shortage of doctors.

The suit argues that APRNs provide a number of medical services that are just as involved as abortion care. The attorneys note that APRNs are already legally permitted to use vacuum aspiration to remove tissue from the uterus following a miscarriage, which they state “is identical to the procedure used for an early in-clinic abortion.” According to the suit, one of the plaintiffs, **Katie Riley**, a certified nurse midwife who works at four Planned Parenthood clinics in Maine, also provides abortion services in New Hampshire even though she is prohibited from doing so in her home state. The suit points to a 2013 study of nearly 11,500 abortion patients published in the American Journal of Public Health which found that APRNs perform abortions just as safely as physicians. The attorneys further argue that the physician-only law is restricting access to abortion in rural areas.

A woman in northern Maine has to travel more than six hours for an abortion in Bangor, according to the suit. And often women have to wait two to three weeks to get the procedure done, as physicians are only available one day a week at each of the three clinics in the state. While some rural women can receive a medication abortion via telemedicine, lawyers for the plaintiffs say that scheduling those appointments is complicated and time-consuming, which can force women who are less than 10 weeks pregnant to choose an aspiration abortion. If the law were to be struck down, the attorneys say the number of clinics offering the procedure would increase to at least 18 locations — including Rockland, Belfast and potentially Damariscotta — and abortion care would be available six days a week at five or more locations on any

given day.

The latest lawsuit is the second high-profile abortion suit that the ACLU and Planned Parenthood have filed in recent years. Last week, the ACLU began arguments in a separate suit seeking to restore abortion coverage for low-income women who qualify for MaineCare, the state’s Medicaid program. Meanwhile, anti-abortion groups are praying neither will be successful.

“In the face of significant declines in abortion rates in both Maine and nationally, Planned Parenthood is reacting in desperation to clinic closures and threats of reduced funding,” wrote the Maine Christian Civic League in a statement. “Pray that Maine’s courts won’t allow abortion providers to ignore safety concerns of women and unborn children in order to promote their death agenda.”

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