



MCEDV.

The Maine Coalition
to End Domestic Violence

LEGISLATIVE REVIEW

130th Maine Legislature

First Regular Session & First Special Session

2021



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INTRODUCTION

The first special session of the 130th Maine Legislature adjourned as of July 19, 2021. Over the course of the first regular and first special sessions,¹ Maine's legislators considered more than 1,700 bills. The Maine Coalition to End Domestic Violence (MCEDV) provided testimony on 40 bills and consulted with legislators on several others to support Maine's lawmakers' understanding of the likely impact of legislation on domestic abuse and violence. Out of these first sessions came important legislative advancements for survivors of domestic abuse in Maine.

What follows is a summary of those legislative changes that MCEDV prioritized for the 130th legislature and those that we see as likely to have the most positive impact on survivors and their children as well as on those who have chosen to use abuse and violence. Some of these changes are efforts on which MCEDV took a leadership role. Others are those for which we must thank our innumerable community partners for their continued leadership, support and collaboration around advancing good public policy in Maine.

As we prepared to engage with the 130th Legislature last year, inevitable questions needed to be answered about how we would answer the growing call nationally and within our state and local communities to recognize the entrenched inequities in our criminal justice and other systems, as well as how these inequities limit options for some of the most vulnerable survivors in our state. MCEDV and our member programs engaged in thoughtful dialogue both internally and with many of our community partners around these hard questions. We re-committed to lifting up the perspective that advocates in our movement have long-known: that our communities as a whole can only be as safe or healthy as our most vulnerable members and that the elimination of the social frameworks that privilege the rights of some over others, including racism, misogyny, and other forms of oppression are foundational to the prevention of domestic abuse and violence. We approached the new legislative session with a fresh understanding that we need to be continuously asking ourselves if our public policy work is properly attending to these truths.

MCEDV would like to thank the Maine Legislature as well as Governor Janet Mills and her administration for the continuing care and attention given to the needs of Maine, not only during this busy session, but throughout this unprecedented public health crisis, which has certainly shined a spotlight on those gaps and challenges that survivors in Maine face every day.

To find the text of the new laws, visit the Maine Legislature's [website](#).²

¹ In order for the initial "back to basics" budget, which passed with only a majority vote, to take effect as of July 1, 2021, the first session of the Legislature adjourned in March 2021 and was reconvened for a special session to finish out the remainder of the first session's work. The first special session adjourned on July 19, 2021.

² Unless otherwise noted as emergency legislation, new laws referenced herein will take effect on Monday, October 18, 2021.

LEGISLATION

Continued Essential Funding for Domestic Violence Services

[LD 888: An Act to Ensure Ongoing Services for Victims of Sexual Assault and Domestic Violence](#)

Sponsored by Representative Michelle Dunphy, Majority Leader

[Public Law 2021, Chapter 29](#)

LD 715: An Act to Make Certain Appropriations and Allocations and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government

Sponsored by Representative Teresa Pierce, House Chair of the Joint Standing Committee on Appropriations and Financial Affairs

Legislation sponsored by Representative Michelle Dunphy, Majority Leader of the Maine House of Representatives, asked the Maine Legislature to continue the \$5M increase in state funding for prevention and intervention services to help address domestic abuse and violence and sexual assault in Maine. This funding was first authorized by the 129th Legislature in 2019 and represented the first state investment in nearly twenty years to benefit the programs of MCEDV and the Maine Coalition Against Sexual Assault. With strong support from Maine's Joint Standing Committees on Health and Human Services and Appropriations and Financial Affairs, and from legislators across the state, this funding was continued as part of the State's Back to Basics Budget, enacted in March. As a result, MCEDV and our member organizations will continue to receive an annual allocation, now out of the State's general fund. We are extremely grateful for this essential funding.

Continued Progress for Maine's Certified Domestic Violence Intervention Programming

[Public Law 2021, Chapter 174](#)

LD 782: An Act to Implement the Recommendations of the Department of Corrections for Certified Batterer Intervention Programming

Sponsored by Representative Charlotte Warren

This legislation responds to the recently released report, [“Initial Findings on the Effectiveness of Maine’s Certified Batterer Intervention Programs,”](#)³ by enacting several of the recommendations in the report. These include:

- Changing all references to “batterer intervention program” in Maine’s statutes to “domestic violence intervention program.”
- Requiring that the attorney for the state (or the assistant district attorney) must provide the domestic violence intervention program with the last known contact information of the victim as well as the police report;
- Clarifying in Maine’s probation statutes that certified domestic violence intervention programs are not “treatment” by moving the court’s authority to order CDVIP as part of a person’s probation out of the paragraph that references substance use and mental health treatment and into its own paragraph;
- Requires that the attorney for the state notify a victim when a person’s probation has been terminated early due to completion of the CDVIP.

[Public Law 2021, Chapter 448](#)

LD 1491: An Act to Ensure Access to and Availability of Violence Intervention Services to Reduce Domestic Violence in Maine

Sponsored by Senator Susan Deschambault

This legislation built on public laws initially passed in the 128th legislature which, amongst other things, set aside the first-ever state funds to support participation in Maine’s certified domestic violence intervention programs (CDVIP). These funds have supported equity of access to this important programming by providing programs with partial fee reimbursement so that CDVIPs can work with indigent defendants at a greatly reduced rate. This funding has also improved Maine’s CDVIPs by supporting training on national best practices, consistent coordination, enhanced monitoring, and an ability to offer technical assistance. The Maine Legislature not only re-authorized this important funding but increased it to ensure the indigency participation program could better meet the actual needs experienced in communities across Maine.

³ “Initial Findings on the Effectiveness of Maine’s Certified Batterer Intervention Programming,” presented to the Joint Standing Committee on Criminal Justice and Public Safety (January 2021). Available at: https://www.mcedv.org/wp-content/uploads/2021/01/MCEDV_2020CBIPLegReport.pdf.

Strengthened Efforts to Address the Lasting Impact of Economic Abuse

[Public Law 2021, Chapter 122](#)

LD 947: An Act to Address the Long-term Impact of Economic Abuse by a Spouse

Sponsored by Representative Laura Supica

This legislation builds on economic justice legislation passed by the 129th legislature by clarifying that “economic abuse” (as defined in Title 19-A, Section 4002) is an exceptional circumstance that should be considered by a court when determining whether to order spousal support in a divorce action and is also a factor to be considered when determining equitable distribution of property. Redress for the harm caused by economic abuse should be the responsibility of the person who caused the harm. This statute change gives Maine judges a clearer path to ameliorate the harm to the injured spouse’s long-term financial viability by putting a continuing obligation on the abusive spouse to fill in the financial gaps experienced by the survivor for some appropriate period that might be necessary to ensure that survivor has an ability to firmly and timely establish an independent household.

Created a Framework for More Knowledgeable Guardians ad Litem in Maine’s Civil Courts

[Public Law 2021, Chapter 351](#)

LD 1408 – An Act To Increase the Protection of Children from Domestic Abuse and Violence

Sponsored by Senator Bill Diamond

Historically, Maine’s guardians ad litem have only been required to attend less than two hours of training on domestic abuse and violence. Survivors across Maine have long felt the consequences of this minimalist approach to one of the most frequently occurring issues guardians encounter in their work in our child welfare and family courts. This legislation increases the initial training required on domestic abuse and violence to six hours and will require guardians to engage in at least two additional hours of continuing education around domestic abuse and violence annually to remain eligible for appointment to cases by the courts.

Enhanced Employment and Housing Protections for Survivors

[Public Law 2021, Chapter 476](#)

LD 1294 – An Act To Prevent Discrimination against Domestic Violence Victims

Sponsored by Senator Donna Bailey

This legislation provides additional employment and housing protections for survivors by amending the Maine Human Rights Act to prevent employers and housing providers from discriminating against a survivor on the basis that they have sought and obtained a final order of protection.

Crime Victims Will Have Accurate Sentencing Information

[Public Law 2021, Chapter 330](#)

LD 788: An Act to Align the Pre-conviction and Post-conviction Discretionary Deductions for Time Served

Sponsored by Representative Jeffrey Evangelos

This bill acts to increase the discretionary deduction for time served for a person who serves time awaiting trial or sentencing by making the discretionary deduction for time served the same for pre-conviction and post-conviction time served, applicable to any defendant who commits a crime on or after August 1, 2020. Importantly for crime victims, the bill also requires the State to notify a crime victim of the final disposition of the charges against the defendant, and in doing so, to include the amount of any deductions to time served that a defendant has accumulated as of the date of sentencing.

Expanded the Time Survivors Have to Bring Civil Actions

[Public Law 2021, Chapter 207](#)

LD 690: An Act to Ensure That Victims of Assault, Battery and False Imprisonment, Including Victims of Domestic Violence, Have Parity Under Tort Law

Sponsored by Representative Margaret O'Neil

Current law sets a statute of limitations time of 2 years for civil lawsuits based on assault and battery and false imprisonment. This bill changes that statute of limitations to six years, which aligns the allowable timeframe to bring a civil lawsuit based on assault and battery and false imprisonment with that which applies to most other torts (civil actions through which a person can seek monetary damages for a wrongful act that has been committed against them).

Eliminated a Barrier for a Child’s Access to Timely Mental Health Services

[Public Law 2021, Chapter 302](#)

LD 642: An Act to Ensure That Children Receive Behavioral Health Services

Sponsored by Representative Lori Gramlich

Many survivors of domestic abuse and violence experience their abusive partner attempting to block their efforts to secure mental health services for a common child – particularly when that child has witnessed the abuse or has experienced abuse by the offending parent themselves. This bill helps ensure the time-sensitive provision of mental health services to minors by authorizing clinicians to provide services with the consent of only one of the minor’s parents or guardians as opposed to requiring the consent of both parents. The provider may but is not required to inform the other parent.

RESOLVES

Created a Pathway for a More Effective Response by School Communities

[Resolves 2021, Chapter 89](#)

LD 639 – Resolve, Directing the Department of Education to Develop Training for School Counselors and Review Limitations on Autism Spectrum Disorder and Course Work for Special Education Certification

Sponsored by Representative Lydia Crafts

Few places in our communities interact with families experiencing domestic abuse and violence more often than our schools. School communities have a unique ability to intervene and connect survivors and their children to critical community resources – but they need to know what to look for and what the most appropriate responses are to do so effectively. This bill directs the Maine Department of Education to develop and provide professional development on family or intimate partner violence. This training must be developed in consultation with MCEDV and must address screening, the impact of violence on children and referral and intervention strategies. The Maine DOE must report back to the Joint Standing Committee on Education and Cultural Affairs on the number of educational opportunities provided and the number and type of participants who attended.

Directed a Study on How Maine’s Family Courts Can Be More Responsive

[Resolves 2021, Chapter 99](#)

LD 1577 – Resolve, To Convene a Working Group To Study Possible Solutions for Families Facing Emergency Child Custody Situations

Sponsored by Senator Marianne Moore

This Resolve directs the Maine Commission on Domestic and Sexual Abuse to convene a working group to study Maine’s responses to emergency child custody situations, including whether an ex parte emergency child custody process can be created within the State’s family law statutes and the related issue of how best to enforce or timely modify existing child custody orders. MCEDV looks forward to participating in this working group to explore how Maine’s family courts might be able to respond more effectively to those survivors with urgent concerns about the safety of their children but for whom the protection from abuse process is not a realistic, appropriate, or desirable option.

STILL PENDING IN THE 130TH LEGISLATURE

As we look to what is ahead for the Maine Legislature when it reconvenes, we will be talking to legislators and community partners about a much-needed reorganization of Maine's Protection from Abuse (PFA) statute. The PFA statute is a core component of our coordinated community response to domestic abuse and violence for many, and more than 5,000 Mainers file for these emergency orders every year. [“An Act to Clarify and Recodify Maine's Protection from Abuse Statutes” \(LD 1696\)](#) is a collaboration between MCEDV, Pine Tree Legal Assistance and the Maine Commission on Domestic and Sexual Abuse, with assistance from many community partners with expertise in how this statute works and is enforced. If enacted, this re-organization will bring Maine a statute that is clearer and more accessible to litigants, particularly those who are unrepresented, which we know are the majority of Mainers who engage in this process, while making no substantive changes to the law itself.

We are also looking forward to continued conversations with community partners around:

- Whether and how the sealing of criminal records should be implemented in Maine ([Resolves 2021, Chapter 121](#), “Resolve, To Create the Criminal Records Review Committee,” LD 563);
- How our post-secondary educational institutions can enhance their response to gender-based violence on campuses ([“An Act Concerning Sexual Misconduct on College Campuses,” LD 1727](#)); and
- Several other proposals that have potential to make it easier for survivors to access public benefits and other critical community-based resources in times of crisis.

SUMMARY

The first regular and first special sessions of the 130th Legislature resulted in several great policy advances for survivors as well as much needed financial support for services and interventions. In addition to those listed above, MCEDV was proud to have also worked on and advocated for new policies that will increase access to medical care for survivors, result in better collaboration amongst state agencies and community resources, attend to the critical need many survivors have for privacy and confidentiality, and support needed reforms within our criminal justice system.

Equally as important as those measures that became new laws are those that did not. This year, MCEDV joined our community partners in objecting to proposals that would have:

- Given credence to the idea long-espoused by aggrieved perpetrators, but unsupported by data, that the protection from abuse process is grossly misused by survivors for tactical advantage in family court;
- Allowed abusive partners to have unlimited opportunities to drag out protection from abuse proceedings;
- Exempted shelters from the protections of the Maine Human Rights Act, with the purpose of permitting the exclusion of transgender women from women's shelters;
- Cleared a path for abusers to access to purchase firearms despite being legally prohibited by a conviction or protection from abuse order;
- Created unnecessary and harmful barriers to reproductive choice.

MCEDV exists to advocate for a world that acknowledges the pervasive existence of domestic abuse and violence in our communities, works to prevent these crimes, holds those who engage in domestic abuse and violence accountable for their actions and beliefs, makes healing and safety possible for survivors, and renders transformative justice achievable. We are committed to ensuring our public policy work aligns with these ends, and we are grateful for the leadership and partnerships throughout our statewide and local communities that worked together to bring Maine a bit closer to this over the last year.

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