



# Legislative Review: 131st Maine Legislature (2023-2024)



**MCEDV.**

The Maine Coalition  
to End Domestic Violence

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## INTRODUCTION

The second regular session of the 131<sup>st</sup> Maine readjourned as of May 10, 2024. Over the course of the last biennium, **Maine’s legislators were presented with more than 2,200 bills to consider**. The Maine Coalition to End Domestic Violence (MCEDV) provided testimony on over 50 bills and worked with legislators and community partners on many others to help support Maine lawmakers to understand the likely impact of proposed legislation on the State’s response to domestic abuse and violence.

Each session, MCEDV’s engagement at the Maine State House is both proactive and reactive. There were several policy initiatives that MCEDV took a leadership role on moving forward. Some of these efforts were successfully enacted; unfortunately, several policy initiatives that we have identified as key to advancing the state’s ability to effectively respond to families in crisis did not make it over the finish line. As with any legislative session, we have gratitude for our many community partners, who provided leadership and coordination to move forward positive public policy in our state. Throughout the session, MCEDV collaborated with these partners to share our perspective on how their efforts would benefit survivors.

What follows is a summary of the new laws and resolves MCEDV sees as likely to have the most impact on survivors, their children, and those who have chosen to use abuse and violence. This report also describes policy efforts we have identified as needed changes in our state that were unsuccessful, but that we are committed to continuing to work on with community partners to move forward. Finally, it covers policy efforts that were not enacted in the 131<sup>st</sup> Legislature that we anticipate will come back for additional conversation and consideration in the 132<sup>nd</sup> Legislature.

The Maine Legislature’s website has a helpful [Glossary](#) of terms that are commonly used in the legislative process in Maine. Definitions of terms like “biennium” and “resolve” can be found there.

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 throughout this busy biennium. To find the text of the new laws, visit the Maine Legislature’s [website](#).

## NEW PUBLIC LAWS

### **Achieved Critical One-Time Funding to Address a Shortfall in Federal Funding to Maine's VOCA Funded Victim Services Providers**

[Public Law 2023, Chapter 643](#)

#### **LD 2214: Supplemental Budget**

Maine's victim services providers rely on federal funding through the Victims of Crime Act (VOCA) in order to support core, foundational services for crime victims across our state. VOCA funding is exclusively supported through the federal Crime Victims Fund (CVF), which is made up entirely of fines, fees, and penalties paid from federal criminal defendants as a result of federal criminal cases. Years of decreased deposits into the CVF, resulting from changes to federal prosecution strategies, have left the CVF in a crisis state, with insufficient funds available to maintain critical funding for victim services providers as we move into federal fiscal year 2025, which begins October 1, 2024.

As we went into the 131<sup>st</sup> Legislature's 2<sup>nd</sup> Regular Session, Maine's network of victim services providers faced a 60% cut in the VOCA grant to Maine, our primary funding source, representing a loss of \$6,000,000 in just one year. Such a cut would decimate not only domestic violence advocacy, but also sexual assault services, civil legal representation for crime victims, and victim services in Maine's District Attorneys' Offices, the Maine Office of the Attorney General, and the Maine Department of Corrections.

MCEDV is grateful to Governor Mills and the 131<sup>st</sup> Legislature for ensuring that the Supplemental Budget includes \$6,000,000 of funds to preserve lost VOCA funding in federal fiscal year 2025. We hope this support will continue. Though victim services providers have been consistent in our advocacy to Maine's Congressional Delegation about the need to fix the federal funding deficit, and the impact of failing to do so, most additional fixes being entertained by Congress, even if passed soon, would not be sufficient to ward off the draconian funding cuts expected to continue for FY26 and FY27. Maine's victim services providers will be relying on Maine's 132<sup>nd</sup> Legislature in 2025 to similarly help us address the significant shortfall in federal funding over the next biennium in order to sustain critical services for crime victims across Maine.

### **Criminal Legal System Laws & Process**

#### ENHANCING ECONOMIC JUSTICE FOR CRIME VICTIMS

[Public Law 2023, Chapter 135](#)

#### **LD 4: An Act to Update Provisions of the Department of Corrections Laws Regarding Operation and Administration of Jails, Women's Services and Juvenile Detention**

Sponsored by Representative William Pluecker

This new law requires the Bureau of Alcoholic Beverages and Lottery Operations to check whether a lottery winner owes victim restitution. If a lottery winner owes victim restitution, the bureau must deduct from the winnings the victim restitution that is owed, provide the amount owed in restitution to Department of Corrections, to be paid to the victim, and release only the remaining winnings to the lottery winner.

[Public Law 2023, Chapter 196](#)

**LD 1014: An Act Regarding Payments to Recipients of Restitution**

Sponsored by Representative Kelly Murphy

Put forward by the Maine Prosecutors' Association to address some of the unclear or administratively burdensome aspects of the restitution payment process, this new law:

- Requires restitution from anyone who is not in the custody of the Department of Corrections to be paid to the District Attorney's Office that prosecuted the case;
- Requires all restitution be paid in full before any money is put towards fines; and
- Permits heirs, beneficiaries and recipients of a crime victim's estate to receive restitution in certain circumstances.

It is unclear how the prioritization of payment of restitution, which is paid to District Attorneys' Offices, over the payment of fees and fines, which are paid to the Judicial Branch, will be accomplished.

Though restitution is often essential to repairing the economic harm caused to crime victims, Maine has long struggled with both ordering restitution and holding those who have committed financial harm accountable for paying it. There are 18 different agencies that collect restitution at any given time. There is not a centralized way for these agencies to share information with each other in real time about what restitution has been paid and what is still owed. Of the more than 35,000 criminal cases filed in Maine's courts each year, only a fraction of them ever results in a restitution order. Over the last several years, the most cases to have a restitution order attached was 2,561 cases in 2018, representing less than 8% of all cases that resulted in a conviction that year. This has worsened since the COVID-19 pandemic, with only 6% of all cases that resulted in a conviction including a restitution order in 2023.

[Public Law 2023, Chapter 412](#)

**LD 258: The Governor's Biennial Budget**

***Funding Support for Maine's Victim Compensation Program***

Part GG of the Governor's Biennial Budget provided increased funding to Maine's Victim Compensation Fund. The budget provided a one-time infusion to keep the fund temporarily solvent. It also raised the amount of the assessment a court is required to impose on a defendant as part of any imposed sentence or fine. Assessments on Class A, B and C crimes

were raised from \$35 to \$70. Assessments on Class D and E crimes were raised from \$20 to \$40.

Though this new assessment scheme went into effect in October 2023, it has unfortunately not resulted in overall increased funding to the Victim Compensation Fund (VCF). Court assessment revenues are significantly down. Several court districts engaged in self-described “blitz” dockets within the last year to try and resolve the backlog of pending cases. During these, many cases were dismissed or resolved through deferred disposition agreements. Under current law, no assessments for the Victim Compensation Fund are assessed in cases that are resolved through deferred disposition.

MCEDV is happy to be working in partnership with the Maine Office of the Attorney General and other community partners over the next year to engage in some collaborative learning about the state of the VCF in Maine. This work will assess how our process compares to that in some other states and support our response to anticipated federal rule updates for state victim compensation programs. Our hope is that we will come together to articulate a vision for the future of the VCF – one in which the fund is a sustainable, reliable resource of economic support for crime victims in Maine.

## MAINE’S RESPONSE TO STALKING

[Public Law 2023, Chapter 235](#), as updated by [Public Law 2024, Chapter 557](#)

### **LD 1438, An Act to Require Standard Procedures to Protect Stalking Victims and Access to Certain Criminal Complaints**

Sponsored by Representative Sophia Warren

This bill codifies two important advances to the investigation and prosecution of stalking in Maine.

- 1) All law enforcement agencies are required to have written policies on how that agency responds to domestic violence. The new law requires that policy to now include a process to ensure when a person files multiple, separate complaints regarding the behavior of another person that may fit the definition of stalking under Maine’s laws, that those complaints must be reviewed together to determine whether a stalking charge is appropriate.
- 2) A law enforcement agency can no longer charge a fee to a victim, their attorney, or their agent for providing a copy of the police report concerning the crime for which they are the victim.

We look forward to seeing the new requirement for a stalking response policy reflected in the Domestic Violence Mandatory Minimum Policy Requirements, currently being updated through rulemaking by the Maine Criminal Justice Board of Trustees and working with our community partners around implementation.

#### [Public Law 2023, Chapter 519](#)

### **LD 2085, An Act to Update Maine’s Domestic Violence and Stalking Laws**

Sponsored by Senator Anne Carney

In June 2023, the United States Supreme Court issued a decision in [Counterman v. Colorado](#), which raised questions about the constitutionality of several of Maine’s statutes, including stalking, criminal threatening, and harassment by telephone, as well as certain aspects of Maine’s protection from abuse statute. These statutes are critical to the State’s public safety response, specifically including its response to domestic violence and stalking.

This new law, enacted as emergency legislation and effective upon the Governor’s signature in March 2024, removed any questions as to the constitutionality of our existing statutes in light of the *Counterman* decision by adding that the person who has engaged in stalking, criminal threatening, harassment by telephone, or certain kinds of “abuse” (as defined in Maine’s protection from abuse statute) have at least a reckless state of mind with respect to the effect of their communication on the victim. MCEDV’s testimony in support of this important legislation can be found [here](#).

## **SEXUAL ASSAULT**

#### [Public Law 2023, Chapter 199](#)

### **LD 1362, An Act to Ensure the Rights of Survivors of Sexual Assault**

Sponsored by Representative Lori Gramlich

The Maine Coalition Against Sexual Assault shepherded this new law, which provides a survivor with additional protections when participating in a sexual assault forensic examination. It provides the survivor the right to consult with a sexual assault counselor<sup>1</sup> during a sexual assault forensic examination and to have that counselor present during any interview by a law enforcement officer, prosecutor, defense attorney or professional investigator. Enactment of LD 1362 also means any evidence collected during a sexual assault forensic examination cannot be used to prosecute the survivor for a Class D or E drug offense or any crime of operating under the influence, violating a condition of release, engaging in prostitution, a violation of the State’s liquor laws or any juvenile crime that is based on the violation of these laws. It also disallows any evidence gathered during the exam from being used as the basis of a motion to revoke any conditional release of the survivor or to support a search for further evidence that the survivor committed any of these listed crimes or offenses.

#### [Public Law 2023, Chapter 280](#)

### **LD 1657, An Act to Define "Consent" and Amend the Law Governing Certain Sexual Offenses**

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<sup>1</sup> In Maine statute, sexual assault advocates are called “sexual assault counselors” (16 MRS § 53-A(1)(B)).

Sponsored by Senator Donna Bailey

The Maine Coalition Against Sexual Assault and the Maine Prosecutor’s Association collaborated to update Maine’s sexual assault statutes by codifying a definition of “consent” in Maine’s sexual assault statutes and using the word “consent” in place of the term “expressly or impliedly acquiesced.” Consent is now defined in Title 17-A, Section 251, subparagraph (1)(E-1) to mean “a word or action by a person that indicates a freely given agreement.” Consent is the word that is commonly used by survivors of sexual assault as well as colloquially by law enforcement, prosecutors, and defense attorneys. It is a concept that is more easily understood by jurors than “expressly or impliedly acquiesced.” As noted by the Maine Prosecutors’ Association in their [testimony](#) in support of LD 1657, this change will lead to more sexual assault offenders being held accountable for their crimes and greater justice for sexual assault survivors.

## SEXUAL EXPLOITATION

[Public Law 2023, Chapter 316](#)

### **LD 1435, An Act to Reduce Commercial Sexual Exploitation**

Sponsored by Representative Lois Reckitt

Among other provisions related to commercial sexual exploitation and sex trafficking, this bill eliminates the crime of Engaging in Prostitution, Title 17-A, Section 853-A, while retaining the crime of Engaging a Person for Prostitution.

[Public Law 2023, Chapter 409](#)

### **LD 1436, An Act to Provide Remedies for Survivors of Commercial Sexual Exploitation**

Sponsored by Representative Lois Reckitt

This modification to Maine’s criminal record sealing law allows a person who has been convicted of Engaging in Prostitution to have that criminal record sealed from the public if at least one year has passed since that person fully satisfied all of the elements of their sentence and has not been convicted of sex trafficking, engaging a person for prostitution or commercial sexual exploitation of a child.

## OTHER IMPORTANT CRIMINAL LEGAL SYSTEM UPDATES

[Public Law 2023, Chapter 250](#)

### **LD 692, An Act Regarding Eligibility of County Jail Inmates for a Community Confinement Monitoring Program**

Sponsored by Representative Victoria Doudera

This new law requires the county jails to collect and consider important information to help ensure that any decision they make in response to an application for the community

confinement monitoring program<sup>2</sup> by a person who has committed domestic abuse and violence is informed with respect to how early release would impact victim and community safety. Importantly, the new law requires jail administrators, with oversight from the elected sheriff, to:

- Review the applicant’s criminal history to identify any pattern of behavior that may indicate the person poses a risk to the safety of others in the community if released early.
- Review the results of any available validated, evidence-based risk assessment tool. In Maine, that would most often be the Ontario Domestic Assault Risk Assessment (ODARA) that is completed by law enforcement on-scene, after an arrest determination has been made.
- Make a good faith effort to be in contact with the victim to provide an opportunity for them to express concerns or considerations related to a resident’s early release and have those issues taken into account in the decision-making process and any subsequent release conditions.
- Provide notice to the district attorney’s office that prosecuted the underlying case to allow that office to provide any additional insight.

This new law does not eliminate eligibility for anyone to be considered for or granted early release into the community confinement monitoring program. It merely puts structure and safeguards around the decision-making process to ensure that the decisions made about which residents are likely to comply with program requirements and not pose a risk to their victims or the broader community are appropriately informed.

#### [Public Law 2023, Chapter 666](#)

#### **LD 2218, An Act to Remove the Age-related Statutory Prerequisite for Sealing Criminal History Record Information**

Joint Standing Committee on Judiciary, in response to recommendations from the Criminal Records Review Committee

Maine’s 130<sup>th</sup> Legislature enacted a process for those who were convicted of Class E crimes as adults, before the age of 28, to apply to have the records of that conviction sealed from public access, if they met certain other eligibility criteria, including no new convictions for a period of time. This new law removes the age restriction, so that any adult with a Class E conviction may apply to the courts to have records of that conviction sealed if they meet all other [eligibility criteria](#). As a member of Maine’s Criminal Records Review Committee, MCEDV supported this change.

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<sup>2</sup> The Community Confinement Monitoring Program is a program used by Maine’s county jails to permit certain county jail residents to serve a portion of their sentence of imprisonment in community, monitored by the county or by agency that is approved by the Department of Corrections and has a contract with the county for that monitoring. See 30-A MRS § 1659-A.

[Public Law 2023, Chapter 293](#)

**LD 1449, An Act to Amend the Laws Regarding Violations of Condition of Release**

Sponsored by Senator Pinny Beebe-Center

This new law amends Maine’s criminal code to eliminate all of the circumstances where a person can be charged with Violations of Conditions of Release as a Class C crime except for when one of the conditions the person has violated is either contact with a victim or possession of a firearm or other dangerous weapon.

Each of the last three legislatures has considered a proposal to eliminate the ability of the State to charge Violation of Conditions of Release as a Class C crime in any circumstance. MCEDV has consistently supported thoughtful and measured reform of this statute while also providing education as to how Maine’s criminal legal system’s response to domestic abuse and violence in general, and victim safety specifically, assumes the availability to charge the Class C crime of Violation of Conditions of Release in certain circumstances.<sup>3</sup> In response to this proposal in the 131<sup>st</sup> Legislature, MCEDV again [articulated](#) how continued contact with a victim and continued possession of firearms in violation of prior court orders are indicators of safety risk to victims. We also presented data from the Maine Prosecutors’ Association that, on average, between 58-69% of all Class C Violations of Conditions of Release each year result from a defendant engaging in prohibited contact with the crime victim.

## Family Law

[Public Law 2023, Chapter 90](#)

**LD 538, An Act Regarding the Appointment of Expert Witnesses in Certain Family Court Actions**

Sponsored by Representative Victoria Doudera

This law partially responds to the long-standing calls of survivors to require professionals who make recommendations in family court cases where one parent has abused the other parent to demonstrate a basic level of expertise with domestic abuse and violence. In family court cases involving domestic abuse and violence between the parents, if the court orders an assessment or evaluation that will include providing the court recommendations regarding the award of parental rights and responsibilities or conditions of parent-child contact from a person other than the guardian ad litem, the court may only appoint a

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<sup>3</sup> For example, other states issue separate protection orders out of their criminal courts in domestic violence cases. These criminal protection orders include things like prohibiting contact with the victim and staying away from the victim’s residence. Violation of these criminal protection orders can be charged as a new crime, often a felony level crime. Maine’s criminal legal system response does not offer a criminal protection order. Those same conditions are, instead, ordered in Maine as part of Conditions of Release (bail conditions). Eliminating an ability to charge a Class C crime for violation of no-contact Conditions of Release in domestic violence cases would remove an accountability tool that widely used across the country as part of the criminal legal system’s response to some of the most serious domestic violence cases.

licensed clinical social worker, psychologist or psychiatrist who has had training and demonstrated expertise on:

- the domestic abuse tactics affecting adult and child safety post-separation,
- the effects of domestic abuse on children and conditions that support resilience,
- best practices for recognizing, asking about and assessing for the effects of domestic abuse on the parent-child relationship, and
- methods for reducing post-separation abuse on the non-abusing parent and for promoting child safety and security.

[Public Law 2023, Chapter 204](#)

**LD 1730, An Act to Implement Changes to the Laws Relating to Judicial Separation and Divorce Regarding Preliminary Injunctions as Recommended by the Family Law Advisory Commission**

Submitted by the Family Law Advisory Commission

The Family Law Advisory Commission (FLAC) submitted this legislation to update Maine's family court preliminary injunction for divorce and judicial separation cases. The updates to the preliminary injunction will more clearly prohibit tactics that abusive spouses often use against their former partners, including interfering with mail/email, damaging or destroying personal property, and signing their name to enable the deposit and use of a joint tax return. The new preliminary injunction statute also clarifies that the parties are not prohibited from spending funds on everyday necessities, like housing, utilities, food, transportation, school, childcare and medical expenses while the case is pending.

## **Protection from Abuse**

[Public Law 2023, Chapter 75](#)

**LD 1034, An Act to Require that Service of a Temporary Protection Order Be Attempted Within 48 Hours from the Issuance of the Order**

Sponsored by Representative Katrina Smith

Every law enforcement agency is required to have a written policy on the service of protection from abuse orders. This bill amends that law to require the policy to contain a provision that service of every temporary, emergency or interim order must be attempted within 48 hours of receiving notice of that order from the court. As a practical matter, this amendment largely codified existing law enforcement policy and practice.

[Public Law 2023, Chapter 298](#)

**LD 1683, An Act to Provide for Civil Recovery Based on Nonconsensual Removal of or Tampering with a Condom and Considering Sexual Assault in Evaluating Parental Rights**

Sponsored by Representative Nina Milliken

Maine law now defines what has been commonly referred to as “stealthing” and provides pathways to justice for victims. “Nonconsensual removal of a condom” (14 M.R.S. § 8305) happens when two parties engage in a consensual sex act with the understanding that a condom will be used and one person: knowingly removes or tampers with the condom; knowingly uses a damaged condom; or misrepresents their intentions to use a condom.

A person who has been subject to nonconsensual removal of a condom may now file for a protection from abuse order against a person who has committed nonconsensual removal of a condom. It has been added to Maine’s protection from abuse statute as an independent ground for an order. A victim may also bring a civil action against the other person for actual damages, compensatory damages, punitive damages, and/or injunctive relief.

Maine’s family court code was also updated through this law to address cases in which a child was conceived as a result of a sexual assault or through nonconsensual removal of a condom. In such cases, the court is required to consider a list of factors and, when making orders around parent-child contact, the court is directed to minimize the effect of co-parenting on the parent who has experienced the sexual assault or non-consensual removal of a condom.

## **Child Welfare System Response**

### **ENHANCED INFORMATION SHARING**

[Public Law 2023, Chapter 151](#)

#### **LD 773, An Act to Ensure Access by Parties and Attorneys to Records in Child and Adult Protection Proceedings**

Sponsored by Senator Donna Bailey

Parent attorneys and guardians ad litem in child welfare proceedings have long stated that a delay in getting contact information for families is responsible for delaying their ability to connect with parents in the critical early days of a child welfare petition. In response, MCEDV worked with Senator Donna Bailey and community partners to include a provision in this new law to require that any child welfare petition include a phone number and email address for all parents or legal guardians, if known and safe to share, to facilitate contact between that parent and the appointed attorney and the appointed guardian ad litem, respectively.

### **SUPPORTS FOR FAMILIES SUBJECT TO CHILD WELFARE INVESTIGATION**

[Public Law 2023, Chapter 447](#)

#### **LD 1229, An Act to Provide Information for Parents Involved in the Child Protective Services System and Ensure Funding in the Child Protective Services Contingency Fund**

Sponsored by Representative Michele Meyer

The 130<sup>th</sup> Legislature allocated \$200,000 each year to the Office of Child and Family Services to use as flexible funding to support the economic needs of parents who are navigating the assessment phase or trial placement phase of the child welfare process. This bill makes that a non-lapsing fund. That will mean that the funds will not return to the general fund if not used in a particular year and will remain in the fund to be used in later years.

This bill also supports the continuation of [Child Protective Services 101: By Parents for Parents](#), a program developed through The Opportunity Alliance to help support parents navigating the child welfare system in understanding that system better. The classes are facilitated by parents who have experience navigating the child welfare system. The bill also allocated one-time funding to ensure the program's continuation until a subsequent funding source was available.

## **LAWS RELATED TO MANDATORY REPORTING OF CHILD ABUSE AND NEGLECT**

### **[Public Law 2023, Chapter 36](#)**

#### **LD 35, An Act to Establish Adult Protective Services Training Requirements for Professionals Mandated to Report Suspected Abuse, Neglect or Exploitation to Enhance Protection of Incapacitated and Dependent Adults**

Sponsored by Senator Marianne Moore

Requires that every four years, a person who is considered a mandated reporter of abuse, neglect or exploitation towards incapacitated or dependent adults must complete a training approved by the Department of Health and Human Services. More information on how to meet mandated reporter training obligations can be found on the State's [Mandated Reporter Resource Page](#).

### **[Public Law 2023, Chapter 146](#)**

#### **LD 474, An Act to Improve Collaboration Between Mandatory Reporters and Law Enforcement in the Investigation of Alleged Child Abuse and Neglect**

Sponsored by Representative Michele Meyer, on behalf of the Department of Health and Human Services

For medical professionals who make a mandatory report of child abuse or neglect, in a case where a law enforcement officer is investigating the report, this new law requires the medical professional to disclose the same information they provided during their mandated report to the Department to that law enforcement officer.

### **[Public Law 2023, Chapter 518](#)**

#### **LD 2095, An Act to Require Reporting of Child Abuse and Neglect to Military Family Advocacy Programs**

Sponsored by Senator Troy Jackson

This new law requires the Office of Child and Family Services to collect information about the military status of the parent or legal guardian in all child abuse and neglect investigations. If the parent or legal guardian is identified to be military personnel, OCFS must share information that a child abuse and neglect investigation has been initiated with the appropriate Military Family Advocacy Program.

## **Firearms**

### [Public Law 2023, Chapter 305](#)

#### **LD 22, An Act to Impede the Transfer of Firearms to Prohibited Persons**

Sponsored by Senator Anne Carney

This new law creates a state-level Class D crime to knowingly or intentionally sell or transfer a firearm to a person who is prohibited from having one under Title 15, Section 393. Section 393 is the Maine law that sets out the conditions under which a person is prohibited from possessing a firearm in Maine.

For Advocates: Federal law also prohibits a person from transferring a firearm to another person if they know or have reasonable cause to believe that person is prohibited from possessing a firearm under federal law. The penalty for doing so under federal law is greater than the penalty under this new state law. For the past several years, Maine's U.S. Attorney's Office has reported that straw purchasing of firearms has been on the rise and that victims of domestic violence and trafficking are particularly vulnerable to being used as part of the firearms pipeline to get firearms from Maine into other states.

### [Public Law 2024, Chapter 491](#)

#### **LD 582, An Act to Enhance Certain Penalties for Possession of Firearms by Prohibited Persons**

Sponsored by Senator Peter Lyford

Under Maine law, certain people are prohibited from possessing a firearm, including those convicted of specific domestic violence crimes and some who are subject to a civil protection order. [Title 15, Section 393](#) sets out the criminal penalties for illegal possession. This new law increases most of the penalties for illegal possession by one class of crime. Possession of a firearm by someone who is subject to a protection from abuse order, issued after notice and opportunity to be heard and meeting certain other conditions, is a Class D crime. This new law increases that to a Class C crime.

### [Public Law 2023, Chapter 465](#)

#### **LD 1461, An Act to Prevent Dating Partner Abuse by Including Dating Partners in the Scope of Domestic Violence Crimes**

Sponsored by Senator Anne Carney

This new law ensures the state fully recognizes that dating violence is within the larger umbrella of domestic violence, and should be treated the same, by adding “dating partner” to the list of relationships that make someone eligible to be charged with the explicitly named domestic violence crime type. Previously, dating partners who did not also qualify as “family and household members,” could only be charged for assault, instead of DV assault; criminal threatening instead of DV criminal threatening; etc.

Because Maine’s state-level domestic violence firearms prohibition in response to a misdemeanor crime of domestic violence is specific to convictions for the particular crimes with the “DV” prefix, this change will work to fully close the “boyfriend loophole” in Maine, so that any dating partner, regardless of whether the parties are sexual partners, can be prohibited from firearms possession as a result of abuse against their partner. MCEDV’s testimony in support of this change can be found [here](#).

#### [Public Law 2023, Chapter 675](#)

### **LD 2224, An Act to Strengthen Public Safety by Improving Maine's Firearm Laws and Mental Health System**

Sponsored by Senator Peggy Rotundo, on behalf of Governor Janet Mills

This new law updates two areas of Maine law with respect to addressing gun violence. The first is extending the requirement to conduct a background check to all advertised private sales. This will help ensure that there are fewer ways for someone who is legally prohibited from purchasing a firearm to be able to obtain one.

The new law does not go so far as to require universal background checks, as sales to family members and sales of curio or relic firearms are still excluded. However, we note that, with the enactment of [Public Law 2023, Chapter 305](#), the 131<sup>st</sup> Legislature has created strong state penalties for even family members who knowingly transfer firearms to someone they know is a prohibited person.

The second update contained in this new law is fixing some of the problems with Maine’s Yellow Flag law that became clear through its implementation. Between July 2020, when Maine’s Weapons Restriction Order Process/Yellow Flag Law became effective, and the mass shooting in Lewiston in October 2023, 81 petitions were filed in Maine’s District Courts to remove firearms from those who were believed to be a substantial threat to themselves or others. Since October 2023, more than 280 additional petitions have been filed, representing approximately 30 petitions each month.

Over the last four years, those involved in the implementation learned a lot about what worked and what posed implementation challenges. Enactment of LD 2224 updates the law to do the following:

- Remove the ability for a person to avoid a weapon’s restriction merely by being released from protective custody,
- Allow law enforcement to apply for protective custody warrants,

- Reduce barriers experienced by mental health professionals in accomplishing the necessary assessment, and
- Allow the courts to delay the required hearing for good cause shown.

Increasing the ease and efficacy of this law will have benefits for victims of domestic violence. Based on information provided by the Office of the Maine Attorney General in late April 2024, more than 30% of all petitions that had been filed at that time were in response to individuals who:

- Threatened homicide against a current or former intimate partner or family member;
- Threatened suicide to or in the presence of a current or former intimate partner or family member;
- Threatened suicide or homicide in response to separation/break-up/divorce/estranged from an intimate partner; or
- Threatened suicide in response to an argument with an intimate partner or “marital problems.”

This new law also creates a new Violence Prevention Program within the Maine Department of Health and Human Services, Center for Disease Control and Prevention.

#### [Public Law 2023, Chapter 678](#)

### **LD 2238, An Act to Address Gun Violence in Maine by Requiring a Waiting Period for Certain Firearm Purchases**

Sponsored by Senator Peggy Rotundo

This law enacts a 72-hour waiting period on all firearms purchases. The waiting period commences after the background check is complete.

As part of the work of the Joint Standing Committee on Judiciary in considering a variety of firearms legislation this session, MCEDV was asked to [present](#) to the Committee on issues related to firearms and domestic violence, including to provide our perspective on whether enactment of a waiting period would be likely to negatively impact the safety of domestic violence victims in our State. MCEDV’s Executive Director, Francine Garland Stark, spoke at length to the Committee about why we do not share that concern, including that an abusive person’s access to a firearm, regardless of ownership, makes it five times more likely that the victim will be killed.

## **Improved Processes to Support Reports of Abuse**

#### [Public Law 2023, Chapter 193](#)

### **LD 765: An Act to Establish an Exception to the Hearsay Rule for Forensic Interviews of a Protected Person**

Sponsored by Senator Anne Carney

MCEDV supported an effort led by our colleagues at the Maine Coalition Against Sexual Assault and the Maine Prosecutor’s Association to permit Child Advocacy Center interviews to be admitted in criminal and civil proceedings. More than 20 other states already allow this. The new law will prevent many children in the future from having to retell some of the most traumatic moments in their young lives in a courtroom of strangers.

For criminal cases, the new law is a careful balance to ensure appropriate due process. It allows for the admissibility of recorded forensic interviews but requires the child-witness to be available for cross examination.

After several past failed legislative attempts to ensure Child Advocacy Center interviews could be available to parties and guardians ad litem in family matters, this new law also creates a process for that to happen.

As a result of a second regular session update, contained in [Public Law 2023, Chapter 646](#), this new process for admissibility of Child Advocacy Center interviews will be applicable not just to cases that were initiated after the effective date of PL 2023, Ch 193, but also to any case that was pending at that time.

#### [Public Law 2023, Chapter 236](#)

#### **LD 1632, An Act to Require Proper Storage of Forensic Exam Evidence**

Sponsored by Senator Donna Bailey

Law enforcement and certain medical providers are now trained to collect “touch-DNA” evidence in a subset of strangulation cases. It involves swabbing a strangulation victim’s neck to potentially collect DNA evidence of the person who perpetrated the strangulation. In cases immediately reported to law enforcement, that evidence is often collected by trained law enforcement officers as part of their investigation. In these cases, it is sent to the crime lab for processing. However, where a person’s first point of contact after a strangulation-involved assault is a health care facility, trained medical personnel can collect this evidence. In these cases, what is done with the evidence – including how it is handed off to law enforcement – depends on whether or not the strangulation victim wants to immediately make a report to law enforcement or is not yet ready to do so. LD 1632 codifies a requirement for law enforcement to pick up, transport and store this forensic evidence of a strangulation where the strangulation victim: (1) sought medical care; (2) has not yet reported the strangulation to law enforcement; and (3) was not also a victim of sexual assault and so is not having a Sexual Assault Forensic Exam (SAFE) kit completed. LD 1632 also increases the mandatory storage period for SAFE kits from 8 years to 20 years.

For more information, see MCEDV’s [testimony](#) on LD 1632 or be in touch with MCEDV’s System Advocacy Director, Kelly O’Connor, at [kelly@mcedv.org](mailto:kelly@mcedv.org).

## Housing

[Public Law 2023, Chapter 133](#)

### **LD 81, An Act to Address Recovery Residence Participation in the Municipal General Assistance Program**

Sponsored by Representative Michele Meyer

This law supports housing security for those living in a recovery residence by clarifying that General Assistance Program recipients can access housing and services even if the recovery residence is managed and operated by someone other than the legal property owner.

[Public Law 2023, Chapter 272](#)

### **LD 45, An Act to Prevent Retaliatory Evictions**

Sponsored by Senator Anne Carney

This new law strengthens prohibitions on retaliatory convictions. It presumes that the attempted eviction is retaliatory anytime a landlord tries to evict a tenant after the tenant has asserted certain statutory rights in response to an attempted rent increase. In those cases, the tenant cannot be evicted unless the landlord can show that the eviction is for some other reason.

## **Other New Laws that Will Affect Maine's Response to Domestic Abuse and Violence**

[Public Law 2023, Chapter 322](#)

### **LD 1592, An Act to Amend the Law Governing Special Motions to Dismiss to Include Workplace and Title IX Claims**

Sponsored by Senator Anne Carney

Our colleagues at the Maine Coalition Against Sexual Assault led a successful effort to expand Maine's Anti-SLAPP (Strategic Lawsuit Against Public Participation) Statute to protect victims who make statements in a Title IX proceeding or in connection to a discrimination claim under the Maine Human Rights Act.

SLAPP lawsuits are civil complaints filed against people who speak out against another person or organization. People who have caused harm file them against the people they have harmed in retaliation for that person having spoken out publicly to name that harm. These are intimidation lawsuits, for the purpose of bankrupting victims or intimidating them to withdraw their statements. It has been long-standing law in Maine that any person who is served with a SLAPP complaint in response to their having made statements in a protection from abuse case or to law enforcement or prosecutors in a criminal case could file a Special Motion to Dismiss, which creates an expedited way for the person who has been harmed to seek to have the SLAPP complaint dismissed on the basis that the

statements were made in a protected proceeding. The new law will extend that protection to statements made in either Title IX processes or in discrimination claims brought under the Maine Human Rights Act. For more information on how this will impact survivors, [here](#) is supportive testimony from our colleagues at Pine Tree Legal Assistance.

#### [Public Law 2023, Chapter 560](#)

### **LD 747, An Act Regarding the Reporting of Adult Name Changes by the Probate Courts to the State Bureau of Identification**

Sponsored by Senator Donna Bailey

The Legislature determined that timely and accurate reporting of all adult name changes to the Department of Public Safety, Bureau of State Police, State Bureau of Identification (SBI) is essential to the operations of the SBI. This new emergency law directs Maine's Probate Courts to begin reporting adult name change orders granted by the Probate Court to the SBI, so that the SBI may link any known criminal history between the old name and the new.

However, there are legitimate reasons that a person may want to keep the change of their name confidential. This is particularly true for survivors of domestic abuse and violence who see a legal name change as essential to their safety. MCEDV worked with community partners to ensure the new law preserved the ability to keep adult name changes confidential when, under the individual circumstances, the adult's interest in maintaining confidentiality of the record outweighs the public interest in disclosure of the record. The Probate Court will consider a number of factors, including the petitioner's criminal history and whether they are in reasonable fear for their safety. The Probate Court has the ability to order the SBI to keep the name change confidential, with only those who can access confidential criminal history information able to receive information about the name change. The Probate Court also has the ability, in extraordinary cases, to decline to send information about the name change to the SBI.

The Probate Courts are required to give anyone applying for a name change clear and transparent information about the fact that the name change order is routinely sent to the SBI, as well as information about how the applicant can ask for the name change to be kept confidential.

## **STRUCTURE AND FUNDING FOR MAINE'S NEW OFFICE ON VIOLENCE PREVENTION**

#### [Public Law 2023, Chapter 643](#)

### **LD 2214: Supplemental Budget**

Language and appropriations in the Supplemental Budget established a new Office of Violence Prevention (OVP) in Maine.<sup>4</sup> This office will be in the Maine Center for Disease Control and Prevention, under the umbrella of the Department of Health and Human Services. The OVP is directed to engage in activities that increase the awareness and education of the general public about laws and resources relating to violence prevention, specifically including the availability of protection from abuse orders and domestic violence prevention. The OVP also has the ability to engage in grantmaking to organizations to conduct community-based violence intervention initiatives. The OVP is also directed to serve as a data hub for information related to violence in Maine.

## LEGISLATIVE PROPOSALS DISCUSSED BUT NOT ENACTED

### Emergency Parental Rights and Responsibilities Orders in Maine's Family Courts

#### [LD 580, An Act to Improve Family Court Procedures](#)

Sponsored by Senator Anne Carney

For many years now, the Maine Commission on Domestic and Sexual Abuse has suggested the State should create a process in Maine's family courts that allows a parent to seek an emergency parental rights and responsibilities order when they have reason to believe the other parent poses an imminent risk of harm to their child. In 2022, the Commission conducted a study and presented findings and recommendations to the Joint Standing Committee on Judiciary related to this topic. The study found that Maine's courts struggle to respond timely to the immediate safety concerns that parents have regarding the other parent's risk of harm to a child and, again, recommended the creation of an emergency family court petitioning process. LD 580 would have created that process. The proposal received bi-partisan support in the Judiciary Committee. Though heard in the 1<sup>st</sup> special session of the 131<sup>st</sup> Legislature, this bill stalled on the appropriations table until late in the 2<sup>nd</sup> regular session. In the final days of the 131<sup>st</sup> Legislature, it was removed from the appropriations table, with needed funding attached. However, it stalled in the Maine House of Representatives in the procedural chaos of the final day of session.

### Expanded Relief in Maine's Protection from Abuse Process

#### [LD 2103, An Act to Protect Victims of Domestic Abuse and Violence by Amending the Law Regarding Proximity Restrictions in Final Protection from Abuse Orders](#)

Sponsored by Senator Joseph Rafferty

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<sup>4</sup> Maine's Department of Health and Human Services, Office of Child and Family Services, has a Violence Prevention Program. That program is being renamed to avoid confusion with the new Office on Violence Prevention, which will also be within the Department of Health and Human Services, but in the Maine Center for Disease Control and Prevention.

In response to the advocacy of a survivor of domestic violence, this bill was put forward to expand Maine's protection from abuse statute to give courts the explicit authority to order proximity restrictions as part of a final order as well as authority to order a defendant to stay away from a particular location other than the protected person's home, school, or place of employment. An example of a proximity restriction would be if the court were to order a defendant to stay at least 100 feet away from the protected person. An example of the specific location restriction would be if the protected person had a particular coffee shop that they consistently went to in the morning on their way to work, the court could prohibit a defendant from going to that specific coffee shop.

This bill required \$6,000 in funding to support the Judicial Branch changing forms and making needed programming changes to their case management system. Though this was chosen by the Appropriations Committee for funding and passed to be enacted by both the House and Senate, this bill is one of many that is expected to be marked dead as a result of the procedural chaos of the final day of the session.

MCEDV is working closely with the Maine Judicial Branch to find alternative funding, so that this proposal can be reintroduced in Maine's 132<sup>nd</sup> Legislature without being hindered by the need to go through the appropriations process.

## **Codifying a Speedy Trial Statute and Process**

### [LD 1771, An Act Regarding Speedy Trials](#)

Sponsored by Representative Matthew Moonen

When someone in Maine is charged with a crime, it is not unusual for that criminal case to take a long time to reach resolution, sometimes even years. Many states have enacted speedy trial statutes to try and prevent this from happening. This bill was an attempt to codify such a statute in Maine. Both those charged with crime and the victims who have experienced harm have an interest in a timely resolution. Prolonged judicial process is an articulable burden for crime victims – each court date risks bringing them back to a difficult or traumatic event, it raises their hopes that resolution will finally be achieved, and it causes frustration as to why the process is taking so long when the victim wants closure. MCEDV worked with the bill sponsor and interested parties to amend the original proposal to ensure victim notification and right to be heard in the process. Though this proposal failed in the 131<sup>st</sup> Legislature, MCEDV anticipates the same or similar proposal coming back for consideration in the 132<sup>nd</sup> Legislature and encourages policymakers to ensure that any proposal brought forward appropriately balances the interests and rights of all involved, including crime victims.

## SUMMARY

MCEDV exists to advocate for a world that acknowledges the pervasive existence of domestic abuse and violence in our communities, work to prevent these behaviors, hold those who engage in domestic abuse and violence accountable for their actions and beliefs, and make healing and safety possible for survivors. 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 to advance much good public policy over the last two years.

MCEDV looks forward to working with Maine's 132<sup>nd</sup> Legislature to persist in moving the ball forward for survivors of domestic abuse and violence and their children.

For more information, please contact:

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