



mecasa
MAINE COALITION AGAINST
SEXUAL ASSAULT

MECASA

Legislative

Report

131st Legislature
First Regular and Special
Sessions

2023 Legislative Session

Dear Policy Partners,

Reaching the end of the 1st Regular and Special Sessions of the 131st Legislature, we at the Maine Coalition Against Sexual Assault have seen both great successes, and some disappointments, in the outcomes of our most important bills supporting survivors of sexual violence. Although it passed unanimously out of committee and in both the House and Senate, our bill funding higher wages for advocates (from a low of \$33,000) and culturally specific services was not funded, it was carried over to the 2nd Regular Session, so our fight to get advocates a fair wage will continue.

Despite that frustration, we had a hugely successful and impactful session, resulting in new laws that will support and protect survivors across Maine. Some of our biggest wins include:

- Forensic interviews performed at Children’s Advocacy Centers will now be admissible as evidence, reducing re-traumatization of victims of child sexual abuse,
- The right to have an advocate during forensic exams and law enforcement interviews will be enshrined in statute,
- Sexual assault forensic kits will now be stored for 20 years, up from 8 years,
- Organizations will no longer be able to use “charitable immunity” as a defense against liability in child sexual abuse cases,
- Survivors will have stronger protections when reporting sexual violence or harassment to their schools or workplaces,
- Victims of “stealthing” - when someone tampers with or removes a condom without consent – will be able to seek monetary damages or a protection from abuse order, and
- Maine statutes will include a stronger and clearer definition of “consent”, replacing the confusing language of “expressly or impliedly acquiesce”.

None of these gains would have been possible without the help of Legislators who sponsored these bills and made them a priority; the support of allies, advocates, and survivors sharing their stories and experiences; and the incredible work of our Policy Team here at MECASA, especially our Policy and Legal Director, Melissa Martin, who in her first year with us has raised the bar and set a standard for success that we are thrilled to have to live up to in years to come!

In solidarity,



Elizabeth Ward Saxl
Executive Director



2023 New Laws

Below are some of our priority bills that became law this year – beginning with those laws that directly relate to sexual violence, but also including laws that might offer better paths to justice, impact survivors’ experiences in dealing with systems of care, or provide new resources for building more equitable and connected communities in our state.

New Laws Specific to Sexual Violence

Several new laws were passed this session that specifically relate to sexual assault and violence and will broaden options for survivors as they make choices about what justice and healing looks like for them.

Public Law Chapter 199

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

Sponsored by Representative Gramlich

Public Law 2023, chapter 199 provides that a survivor of sexual assault has the right to consult with a sexual assault counselor during a sexual assault forensic examination and has the right to have a sexual assault counselor present during any interview by a law enforcement officer, prosecutor, defense attorney, or investigator about the reported sexual assault. A survivor retains this right even if the survivor waived the right in a previous examination or interview.

Survivors have the right to talk to an advocate during interactions with law enforcement and during forensic exams, and evidence collected during a forensic exam can't be used to prosecute the survivor for certain drug crimes.

Chapter 199 also provides that evidence gathered during a sexual assault forensic examination may not be used to prosecute the survivor of sexual assault for a Class D or Class E drug offense, any crime of operating under the influence, any crime of violating a condition of release, any crime of engaging in prostitution, any violation of the State's liquor laws, or any juvenile crime based on a violation of these same laws. The evidence gathered during a sexual assault forensic

examination also may not be used as the basis of a motion to revoke any conditional release of the survivor or as a basis to search for further evidence that a survivor committed any of these crimes or offenses.

Public Law Chapter 280

LD 1657, An Act to Amend the Law Governing Certain Sexual Offenses (title amended to 'An Act to Define "Consent" and Amend the Law Governing Certain Sexual Offenses')

Sponsored by Senator Bailey

Public Law 2021, chapter 280 defines the term "consent" in the Maine Criminal Code's provisions concerning sexual assault crimes to mean "a word or action by a person that indicates a freely given agreement." It also changes the terms "expressly or impliedly acquiesced" and "acquiesced" to "consented" in the elements of the crimes of gross sexual assault, unlawful sexual contact, and unlawful sexual touching.

Public Law Chapter 475

LD 1790, An Act Removing the Statute of Limitations on Criminal and Civil Actions Involving Sexual Abuse of Minors (title amended to 'An Act Removing the Statute of Limitations on Civil Actions and Criminal Prosecutions for Certain Sexual Offenses Against Minors')

Sponsored by Senator Baldacci

Public Law 2023, chapter 475 removes the limitations period for a civil action or criminal prosecution based on conduct against a minor victim that qualifies as the crime of incest, unlawful sexual contact, sexual abuse of a minor, rape or gross sexual assault, formerly denominated as gross sexual misconduct, unlawful sexual touching, or sexual exploitation of a minor. Pursuant to the Maine Revised Statutes, Title 14, section 752-C, subsection 3, this applies to all civil actions based upon such conduct with a minor victim regardless of whether the civil statute of limitations on such action expired prior to the effective date of the legislation. Chapter 475 applies to a criminal prosecution based on such conduct with a minor victim either if the criminal conduct is committed on or after the effective date of this chapter or if the prosecution has not yet been barred by the criminal statute of limitations in force immediately prior to the effective date of this chapter.

Public Law Chapter 351

LD 1312, An Act to Limit the Immunity of Charitable Organizations

Sponsored by Senator Bailey

Public Law 2023, chapter 351 eliminates the charitable immunity defense for child sexual assault cases.

Public Law Chapter 193

LD 765, An Act to Permit Recordings of a Protected Person to be Admissible in Evidence (title amended to 'An Act to Establish an Exception to the Hearsay Rule for Forensic Interviews of a Protected Person')

Sponsored by Senator Carney

Public Law 2023, chapter 193 creates a comprehensive assessment for courts to apply in evaluating whether to admit forensic interviews into evidence in criminal and civil cases by specifying the requirements for those interviews to be admissible into evidence.



Chapter 193 clarifies who has access to forensic interviews and establishes a process for civil cases that mirrors how Department of Health and Human Services records are accessed in other cases. The law codifies the current practice used in criminal cases and follows the criminal rules of procedure.

Chapter 193 requires the party requesting that all or a portion of a recording of a forensic interview of a

minor or of an adult who is eligible for adult protective services, referred to in the chapter as a "protected person," be admitted into evidence. The moving party files a motion in limine, and the court allows all parties to be heard on the issue of whether the recording meets the requirements for the statutory exception to the hearsay rule established by this chapter. The new exception to the hearsay rule under the Maine Rules of Evidence, Rule 802, for the recording of a forensic interview of a protected person specify that: (1) to fall within the hearsay exception, statements made by the protected person during the forensic interview may not have been made in response to suggestive or leading questions; (2) statements from more than one forensic interview of the same protected person that relate to the same event or incident do not fall within the hearsay exception; and (3) in a criminal matter, the protected person must be available for cross-examination, unless all other parties to the case expressly waive this requirement. All other Maine Rules of Evidence apply to the admissibility of the recording of a forensic interview.

Chapter 193 also provides that the records of a child advocacy center, including recordings of forensic interviews, are confidential and are not public records, and the law specifies to whom forensic interviews may be disclosed.

Resolve Chapter 112

LD 1092, An Act to Expand Services for Women Who Experience Gender-based Trauma and Violence (amended to ‘Resolve to Establish an Ad Hoc Committee to Address the Commercial Sexual Exploitation of Children’)

Sponsored by Representative Stover

Resolve 2023, chapter 112 requires the Department of Health and human Services to convene an ad hoc committee, including those who work at children’s advocacy centers, those who work with children who experience commercial sexual exploitation, and MECASA. The committee must report back to the Legislature by January 1, 2025, with recommendations addressing the intervention and prevention of commercial exploitation.

Public Law Chapter 474

LD 1783, An Act to Implement the Recommendations of the Governor’s Advisory Council on Military Sexual Trauma

Sponsored by Representative Rielly

Public Law 2023, chapter 474 provides a single December report back date for all data from the Maine National Guard to the joint standing committee of the Legislature having jurisdiction over veterans affairs. Chapter 474 also adds that the Maine National Guard will provide data regarding recruitment and retention based on gender.

Chapter 474 provides for paid leave for those involved in an unrestricted report of sexual assault while the investigation is pending.

Chapter 474 also provides that an unrestricted report of sexual assault to the Maine National Guard is sufficient for meeting the reporting requirement for eligibility for compensation under the Maine Victims’ Compensation Fund.


Public Law Chapter 202

LD 1523, An Act to Establish a Qualifying Condition Review Board to Provide Benefits to Certain Service Members


Sponsored by Representative Rielly

Public Law 2023, chapter 202 repeals a provision requiring the Director of the Maine Bureau of Veterans' Services to establish a process for a veteran who separated from service without an honorable discharge due solely to the veteran's sexual orientation or gender identity to have that discharge treated as an honorable discharge for purposes of determining the veteran's eligibility for rights, privileges, and benefits granted to veterans under state law and replaces it with a provision that establishes the Qualifying Review Board to review applications submitted by veterans who receive an other than honorable discharge for eligibility for rights, privileges

and benefits granted to veterans under state law if the veteran believes the discharge characterization was based on the veteran's sexual orientation, gender identity or gender expression; conduct associated with a diagnosis of post-traumatic stress disorder or acquired brain injury; or conduct or circumstances relating to being a victim of military sexual assault.



Veterans now have recourse to appeal an other-than-honorable discharge if they believe that happened because of their experience of sexual violence.



Members of the Qualifying Condition Review Board must have relevant clinical experience working with veterans. On approval of an application, a veteran is eligible for rights, privileges and benefits granted to veterans under state law. Chapter 202 also permits a veteran whose discharge characterization is upgraded by the Qualifying Review Board to be buried in a veterans' cemetery.

Public Law 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 Carney

Public Law 2023, chapter 322 amends the definition of "a party's exercise of its right of petition" in the law governing special motions to dismiss by including statements made in connection with complaints under the Maine Human Rights Act, the laws governing sexual violence, intimate partner violence and stalking policies at institutions of higher education and the so-called Title IX provisions of the federal Education Amendments of 1972.

Public Law Chapter 126

LD 53, An Act to Ensure Accountability for Workplace Harassment and Assault by Removing Intentional Acts and Omissions from Workers' Compensation Exemptions (title amended to 'An Act to Ensure Accountability for Workplace Sexual Harassment and Sexual Assault by Removing Certain Intentional Torts from Workers' Compensation Exemptions')

Sponsored by Representative Lee

Public Law, Chapter 126 makes an employee, supervisor, officer, or director of an employer liable for sexual harassment, sexual assault, or an intentional tort related to sexual harassment or sexual assault committed by an employee, supervisor, officer, or director of the employer but exempts the employer from liability for those actions.

Public Law Chapter 236

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

Sponsored by Senator Bailey

Public Law 2023, chapter 236 directs a law enforcement agency to collect and transport anonymously collected forensic evidence from strangulation exams. Chapter 236 changes the required time that a law enforcement agency must store a forensic examination kit for sexual assault from 8 years to 20 years and requires that a law enforcement agency store a forensic examination kit involving only strangulation for 6 years.

Resolve Chapter 70

LD 1484, An Act to Improve Sexual Assault Kit Tracking (amended to 'Resolve, Regarding the Status of Federal Grant Applications or Money Secured for the Funding of a Sexual Assault Kit Tracking Pilot Program')

Sponsored by Senator Rafferty

Resolve 2023, chapter 70 directs the Department of Public Safety to report to the Joint Standing Committee on Criminal Justice and Public Safety by February 1, 2024, on the status of any federal grant applications or money secured by the department for the purpose of funding a sexual assault kit tracking pilot program. The resolve authorizes the committee to report out a bill relating to a sexual assault kit tracking pilot program to the Second Regular Session of the 131st Legislature.

Public Law Chapter 227

LD 115, An Act to Protect Minors from Exploitation by Adults for Violation of Privacy

Sponsored by Senator Bailey

Public Law 2023, chapter 227 removes the Class C crime designation for a violation of privacy under certain circumstances, keeping violation of privacy a Class D crime in all instances, and creates an additional offense of violation of privacy when it is done for the purpose of arousing or gratifying the sexual desire of that person or another person and the person subject to a violation of privacy has not in fact attained 16 years of age. This new offense is a Tier I offense under the Sex Offender Registration and Notification Act of 2013.

Public Law 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 Milliken

Public Law 2023, chapter 298 provides that a plaintiff who prevails in a civil action based on nonconsensual removal of or tampering with a condom may be awarded actual damages, compensatory damages, punitive damages, injunctive relief, any combination of those or any other appropriate relief and is entitled to attorney's fees and court costs. Evidence of consent to engage in a previous sexual act without a condom is not by itself sufficient to demonstrate consent to engage in a subsequent sexual act without a condom. The 6-year statute of limitations applies to these actions.

Chapter 298 allows those who have experienced nonconsensual removal of or tampering with a condom to seek a Protection from Abuse order based on this conduct.

Finally, Chapter 298 also provides guidelines for the family court to consider in awarding parental rights and responsibilities when a child was conceived as a result of sexual assault or nonconsensual removal of or tampering with a condom.

Public Law Chapter 316

LD 1435, An Act to Reduce Commercial Sexual Exploitation

Sponsored by Representative Galgay-Reckitt

Public Law 2023, chapter 316: (1) eliminates the crime of engaging in prostitution, (2) renames the crime of patronizing prostitution of a minor or a person with a mental disability to commercial sexual exploitation of a minor or a person with a mental disability, and (3) renames the crime of solicitation of a child to engage in prostitution to solicitation of a child for commercial sexual exploitation. Chapter 316 also: (1) changes from a Class D crime to a Class C crime the crime of solicitation of a child for commercial sexual exploitation, (2) establishes a defense to prosecution for conspiracy to commit the crime of engaging a person for prostitution if the defendant's participation was engaging or agreeing to personally engage in a sexual act with a patron, and (3) establishes a defense to prosecution for sex trafficking if the defendant's actions consisted of publicly soliciting a patron to engage in prostitution only with the defendant. Chapter 316 also adds commercial sexual exploitation to the list of circumstances in a child's family background that would qualify the child as a special needs child under the adoption assistance program.

Public Law Chapter 409

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

Sponsored by Representative Galgay-Reckitt

Public Law 2023, chapter 409 allows for the sealing of a criminal conviction of engaging in prostitution so long as one year has passed since the person has fully satisfied the terms of any conviction, and the person has not been convicted of a violation of sex trafficking, aggravated sex trafficking, engaging a prostitute or patronizing prostitution of a minor or person with a mental disability or for engaging in similar conduct in another jurisdiction.



New Laws Related to Criminal Justice and Access to Systems and Services with Impacts on Survivors

Some of the laws we tracked, while not specifically about sexual violence, may impact survivors' experiences with the criminal justice system or other systems.

Public Law Chapter 235

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

Sponsored by Representative Warren

Public Law 2023, chapter 235 requires all law enforcement agencies to adopt written policies regarding standard procedures to ensure protection from stalkers. Chapter 235 also requires law enforcement agencies to adopt a written policy establishing a process to ensure that, when a person files multiple, separate complaints regarding the behavior of another person that may indicate a course of conduct constituting stalking, those complaints are reviewed together to determine if the other person has engaged in stalking.

Chapter 235 creates a right that entitles a person who files a complaint with a criminal justice agency to receive one copy of that report at no charge, and when a Maine criminal justice agency provides a copy of intelligence and investigative record information to a crime victim or that victim's agent or attorney, the agency may not charge a fee for providing that information.

Public Law 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 Carney

Public Law 2023, chapter 465 amends the Maine Criminal Code by including dating partners within the scope of domestic violence crimes, consistent with the protection from abuse laws.

Public Law 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 Smith

Public Law 2023, chapter 75 requires every law enforcement agency to adopt a written policy requiring that service of every temporary, emergency, or interim protection from abuse order be attempted within 48 hours after the agency receives notice of that order from the court. It also clarifies that failure of the law enforcement agency to attempt service within 48 hours does not affect the validity of the service or the order.

Resolve Chapter 37

LD 847, An Act to Support Law Enforcement in Interactions with Individuals with Histories of Trauma (amended to 'Resolve, to Study Implementation of a Program to Provide Trauma-informed Training for Law Enforcement Officers at the Maine Criminal Justice Academy')

Sponsored by Representative Gramlich

Resolve 2023, chapter 37 directs the Board of Trustees of the Maine Criminal Justice Academy to conduct a study and develop recommendations based on findings from the study regarding the implementation at the academy of a program to provide trauma-informed training for law enforcement officers. "Trauma-informed training" means training to recognize the presence of trauma symptoms and to acknowledge the role that trauma can play in people's lives, including by engaging with individuals with histories of trauma.

No later than February 15, 2024, the board is required to submit a report containing the findings and recommendations of its study, including any proposed legislation, to the Joint Standing Committee on Criminal Justice and Public Safety. After reviewing the report, the

committee may report out legislation relating to the report to the Second Regular Session of the 131st Legislature.

Public Law Chapter 116

[LD 443, An Act to Prohibit Marriage of Any Person under 18 Years of Age \(title amended to 'An Act to Prohibit Marriage of Any Person Under 17 Years of Age'\)](#)

Sponsored by Representative O'Connell

Under current law, a marriage license may be issued to a person who is 16 or 17 years of age with the written consent of the person's parents or guardians or with the consent of the judge of probate in the county where the minor resides. Public Law 2023, chapter 116 continues to authorize the issuance of a marriage license to a person who is 17 years of age if the required consent is obtained but categorically prohibits the issuance of a marriage license to a person who is under 17 years of age.

Public Law 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 Moore

Public Law 2023, chapter 36 requires professionals mandated to make reports of abuse, neglect, and exploitation of incapacitated and dependent adults pursuant to the Adult Protective Services Act to complete training on mandated reporter responsibilities once every four years.

Public Law Chapter 151

[LD 773, An Act to Ensure Access by Parties and Attorneys to Records in Child and Adult Protection Proceedings](#)

Sponsored by Senator Bailey

Public Law 2023, chapter 151 requires the Department of Health and Human Services to disclose information in the records in adult protection proceedings and child protection proceedings to parties in those proceedings and the parties' attorneys.

Chapter 151 clarifies that while the Department of Health and Human Services has discretion to disclose information in its adult protective records to the guardian or conservator of an adult who is the subject of the record, the Department is required to disclose information in its adult protective records to the adult who is the subject of the record and the adult's attorney. Chapter 151 also adds a conforming amendment to the Maine Uniform Probate Code requiring

the disclosure of information in adult protective records to the adult who is the subject of the record and the adult's attorney in any case in which a public guardian or conservator has been or may be appointed. To facilitate the initial communication between attorneys assigned to represent parents and custodians in child protection proceedings and their clients, chapter 151 also requires the department to include in a child protection petition the phone number and e-mail address, if known, of each parent and custodian. Inclusion of a parent's and custodian's phone number, and e-mail address in the petition is not required if the parent and custodian has taken steps to keep that parent's and custodian's phone number or e-mail address private from another parent and custodian in the proceeding or if disclosure of this information to another parent and custodian in the proceeding would create a safety risk.

Public Law Chapter 39

LD 218, An Act to Clarify Maine Law Regarding Background Checks for the Office of Child and Family Services

Sponsored by Representative Madigan

Public Law 2023, chapter 39 clarifies that a person may request a background screening of an individual who is or may be engaged in activities or employment relating to children or adults with intellectual disabilities, autism, or related conditions regardless of whether the individual subject to the background screening is an employee. Chapter 39 also replaces the term "group home" with "transitional living program" to clarify that staff members of these providers are subject to the fingerprint-based background check requirements.

Public Law Chapter 90

LD 538, An Act Regarding the Qualification of Expert Witnesses in Certain Family Court Actions (title amended to 'An Act Regarding the Appointment of Expert Witnesses in Certain Family Court Actions')

Sponsored by Representative Doudera

Public Law 2023, chapter 90 specifies that if the court appoints an expert other than a guardian ad litem to provide recommendations regarding the award of parental rights and responsibilities or conditions of parent-child contact in cases involving allegations of domestic abuse between the parents, that expert must be a licensed clinical social worker, psychologist or psychiatrist who has training and expertise in how domestic abuse tactics affect adult and child safety, the effects of domestic abuse on children, best practices for recognizing and assessing the effects of domestic abuse on the parent-child relationship, and methods for reducing post-separation abuse and promoting child safety and security.

Public Law Chapter 340

LD 576, An Act to Facilitate Communication Between Pro Se Defendants and Assistant District Attorneys (title amended to 'An Act to Facilitate Communication Between Pro Se Defendants and Prosecutors While Protecting the Rights of Those Defendants)

Sponsored by Senator Baldacci

Public Law 2023, chapter 340 authorizes a prosecutor to: (1) communicate with an unrepresented defendant at any time to offer the defendant the opportunity to participate in a diversion program or explain steps the defendant can take that would result in the prosecutor not prosecuting the charge or charges against the defendant or that would result in the prosecutor recommending a dismissal or filing of the charge or charges, (2) notify the defendant that a pending criminal matter is being dismissed, (3) notify the defendant in writing of a plea offer, and (4) request the defendant's position on a motion to continue or a motion to correct a typographical error in a document filed with the court. Chapter 340 also provides that a prosecutor may communicate with an unrepresented defendant either if the communication is initiated by the defendant or during a dispositional conference as long as the defendant has first been advised by the court of the defendant's right to counsel, right to remain silent, and right to a trial by jury, and the defendant has been informed by the court of the substance of the charges and the maximum possible sentence and any mandatory minimum sentence associated with those charges.

Public Law 2023, chapter 340 was enacted as an emergency measure effective June 28, 2023.

Resolve Chapter 62

LD 594, An Act to Address the Shortfalls of the Current Resource Parent's Bill of Rights Policy (amended to 'Resolve, to Review the Resource Parent Bill of Rights')

Sponsored by Senator Moore

Resolve 2023, chapter 62 requires the Department of Health and Human Services to convene a stakeholder group to examine the Resource Parent Bill of Rights to ensure that it adequately provides sufficient resources, supports, services, and resource family involvement and communication. The department must submit a report, with findings and recommendations, to the Joint Standing Committee on Health and Human Services no later than January 15, 2024.

Public Law Chapter 250

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

Sponsored by Representative Doudera

Public Law 2023, chapter 250 sets limitations on when a sheriff may assign an inmate in a county jail who is serving a sentence for a crime against a family or household member to

participate in a community confinement monitoring program. It requires the jail administrator to determine that the inmate is not reasonably likely to pose a risk to the safety of others in the community. In making that determination, the jail administrator is required to, among other things, review and consider the results of an evidence-based risk assessment and the inmate's criminal history record. Chapter 250 also requires a good faith attempt to notify the victim of the crime before and after assignment of the inmate to a community confinement monitoring program. Notification to a victim must be made by both mail and by phone or in person.

Public Law Chapter 399

LD 720, An Act to Implement Certain Recommendations of the Commission to Examine Reestablishing Parole (title amended to 'An Act to Expand Eligibility for Supervised Community Confinement for Prisoners with a Prognosis Likely to Result in an Incapacitating Medical Condition')

Sponsored by Senator Hickman

Public Law 2023, chapter 399 expands the ability of the Department of Corrections to transfer a prisoner from a correctional facility to the supervised community confinement program, when the prisoner does not otherwise meet the eligibility criteria of the supervised community confinement program, to include circumstances when the prisoner has a worsening prognosis that is likely to result in a terminal or severely incapacitating medical condition.

Public Law 2023, chapter 399 also requires the Department of Corrections to publish demographic data about prisoners who have applied for supervised community confinement and the outcomes of those applications.

Public Law Chapter 293

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

Sponsored by Senator Beebe-Center

Public Law 2023, chapter 293 removes the provisions under the offense of violation of condition of release that increase the offense from a Class E crime to a Class C crime when the underlying crime is punishable by a maximum period of imprisonment of one year or more and the condition of release violated is a requirement to enter into and remain in a long-term residential facility for the treatment of substance use disorder or a requirement to return to custody for specified hours following release for employment, schooling, or other limited purposes.

Resolve Chapter 103

LD 1622, Resolve, to Reestablish the Criminal Records Review Committee

Sponsored by Speaker Talbot Ross

Resolve 2023, chapter 103 reestablishes and expands the duties of the Criminal Records Review Committee to review options for expunging and sealing criminal records. The review committee is directed to submit an interim report by December 6, 2023, and a final report by November 6, 2024, to the joint standing committee of the Legislature having jurisdiction over judiciary matters with findings and recommendations. The joint standing committee may report out legislation related to the report to the 132nd Legislature in 2025.

New Laws Improving Access to Healthcare & Reproductive Justice

At MECASA, we strongly believe that a world without sexual violence is dependent on improving equity and inclusion for all people, regardless of gender, race, age, or economic status. The new laws below attempt to address disparities in multiple ways, including access to reproductive and behavioral healthcare and gender justice that might provide a survivor with more tools for healing from sexual violence.

Public Law Chapter 425

LD 155, An Act Regarding Community-based Services for Youth Involved in the Juvenile Justice System

Sponsored by Representative Brennan

Public Law 2023, chapter 425 requires: (1) the Department of Health and Human Services and the Department of Corrections to coordinate policies and establish a working group to review other states' best practices regarding juvenile justice services, (2) the Department of Corrections to publish and update monthly on its publicly accessible website data regarding the number of juveniles involved in the juvenile justice system, and (3) the Department of Corrections to annually report to the joint standing committee having jurisdiction over criminal justice and public safety matters regarding reducing detention rates and expanding community-based alternatives.

Resolve Chapter 78

LD 181, Resolve, Directing the Department of Health and Human Services to Implement Secure Children’s Psychiatric Residential Treatment Facility Services (amended to ‘Resolve, Requiring Progress Reports from the Department of Health and Human Services Regarding the Implementation of Secure Children's Psychiatric Residential Treatment Facility Services')

Sponsored by Senator Black

Resolve 2023, chapter 78 requires the Department of Health and Human Services to submit two reports to the Joint Standing Committee on Health and Human Services regarding efforts to implement secure children's psychiatric residential treatment facilities. The first report, to be submitted by January 2, 2024, relates to Department progress in establishing increased rates and amending department rule Chapter 101: MaineCare Benefits Manual, Chapters II and III, Section 107. The second report, to be submitted by July 1, 2024, relates to progress in implementing secure children's psychiatric residential treatment facility services and must include information about the provider, location of the facility, number of beds, and estimated or actual date of opening. If no provider has been secured, the report must include the next steps for attracting a willing provider.

Public Law Chapter 115

LD 351, An Act to Increase Access to Birth Control by Making Certain Contraception Available over the Counter (title amended to ‘An Act to Increase Access to Birth Control by Making Certain Contraception Accessible from a Pharmacist')

Sponsored by Senator Brakey

Public Law 2023, chapter 115 authorizes pharmacists to prescribe, dispense and administer contraceptives. Specifically, a pharmacist may issue prescriptions for self-administered hormonal contraceptives, including oral hormonal contraceptive pills, vaginal rings and hormonal contraceptive patches, and injectable hormonal contraceptives. A pharmacist must complete a training program approved by the Maine Board of Pharmacy that reflects evidence-based medical eligibility guidelines for contraceptive use and must obtain a completed self-screening risk assessment from a patient prior to issuing a prescription. A pharmacist must also refer a patient to the patient's practitioner upon prescribing and, if the patient does not have a practitioner, advise the patient to consult a practitioner. ("Practitioner" is a person who is licensed, registered, or otherwise authorized to prescribe and administer drugs in the course of professional practice.) A pharmacist must also provide a patient with a written record of a prescribed contraceptive.

Public Law Chapter 413

LD 535, An Act to Increase Access to Necessary Medical Care for Certain Minors (title amended to 'An Act Regarding Consent for Gender-affirming Hormone Therapy for Certain Minors)

Sponsored by Representative Sheehan

Public Law 2023, chapter 413 establishes the process by which a minor who is mentally and physically competent to give consent may consent to gender-affirming hormone therapy and follow-up care if the minor is at least 16 years of age, has been diagnosed with gender dysphoria, is experiencing or expected to experience harm from not receiving gender-affirming hormone therapy, has discussed the gender dysphoria diagnosis with the minor's parent or guardian but that parent or guardian refuses to support treatment of the gender dysphoria and receives certain detailed information and counseling from a health care professional prior to providing informed written consent. Only a person qualified by training and experience to provide and monitor the provision of gender-affirming hormone therapy who is authorized by law to prescribe medication and who is licensed by the Board of Licensure in Medicine, the Board of Osteopathic Licensure or the State Board of Nursing may obtain the minor's informed written consent to and provide gender-affirming hormone therapy to the minor.

Public Law Chapter 345

LD 616, An Act to Protect the Health Care Professionals Providing Reproductive Health Care Services

Sponsored by Representative Kuhn

Public Law 2023, chapter 345 prohibits an insurer that provides medical malpractice insurance in this State from discriminating or taking any adverse action against a health care professional who provides abortion or other reproductive health care services on the sole basis that the health care professional is acting in violation of another state's law or is subject to an adverse action against the health care professional's license in another state.

Public Law Chapter 41

LD 707, An Act to Update the Maine Human Rights Act with Respect to Gender Identity

Sponsored by Representative Sheehan

Public Law 2023, chapter 41 updates the definition of "sexual orientation" in the Maine Human Rights Act by removing the reference to "gender identity or expression." The term "gender identity" was given a separate definition by Public Law 2019, chapter 464.

Resolve Chapter 76

LD 942, An Act to Ensure the Collection of Complete Information by Adding a 3rd Option for Gender on State Forms (amended to 'Resolve, to Establish a Plan for Adding a 3rd Option for Gender on State Forms')

Sponsored by Representative Sheehan

Resolve 2023, chapter 76 directs the Department of Administrative and Financial Services to coordinate with all executive branch and quasi-independent entities to compile a list of all printed and electronic forms, applications, and other documents used by these entities that require a person to designate that person's gender and estimate the time and cost required to include within those forms, applications, and other documents an option to designate "X" for gender.

Chapter 76 also directs the State Court Administrator and the Executive Director of the Legislative Council to compile the same information for the Judicial Branch and the Legislative Branch, respectively, and to submit this information to the department. The Department must report this information to the Joint Standing Committee on Judiciary by January 1, 2024, along with the Department's recommendations, if any, for expediting the process by which all of these printed and electronic forms, applications, and other documents that require a gender designation are revised to include an option to designate "X" for gender. The committee may report out legislation related to the report to the Second Regular Session of the 131st Legislature.

Public Law Chapter 129

LD 956, An Act Concerning Sexual Orientation and Gender Identity Data Collection in Health Care Facilities

Sponsored by Representative Rana

Beginning October 1, 2026, Public Law 2023, chapter 129 requires health care facilities to collect data related to sexual orientation and gender identity from an individual as part of the individual's health care information. The federal uniform data system has included sexual orientation and gender identity data since 2016. This data is part of an individual's health care information that is confidential under the Maine Revised Statutes, Title 22, section 1711-C. Chapter 129 clarifies that data collection is to be done only at those times when other demographic data is being collected, makes it clear that answering the sexual orientation and gender identity questions is optional for patients, and exempts pharmacies from the requirements of the law.

Public Law Chapter 348

LD 995, An Act to Provide Insurance Coverage for a Second Opinion If a Health Care Provider Recommends an Abortion for Health or Safety Reasons (title amended to 'An Act to Enhance Access to a Second Opinion for Health Care Services or Treatment')

Sponsored by Representative Quint

Public Law 2023, chapter 348 provides that an enrollee in a health plan who wishes to seek a second opinion may not be required to obtain a second opinion from a provider that practices in the same office location as the enrollee's provider. If the second opinion is obtained from an out-of-network provider, a carrier may not apply a deductible, coinsurance, or copayment for the second opinion in an amount greater than the deductible, coinsurance, or copayment that would apply to the same health care service if the service were obtained from a network provider, and the amount of any coinsurance or copayment must be applied to the enrollee's in-network deductible. The requirements apply to health plans issued or renewed on or after January 1, 2024.

Resolve Chapter 60

LD 1003, An Act to Increase Access to Behavioral Health Services for Children and Individuals with Intellectual Disabilities or Autism (amended to 'Resolve, to Develop a So-called No Eject, No Reject Policy to Support Children Receiving Behavioral Health Services and Individuals with Intellectual Disabilities or Autism')

Sponsored by Representative Graham

Resolve 2023, chapter 60 requires the Department of Health and Human Services to develop a so-called No Eject, No Reject proposal that requires residential providers of behavioral health services for children or services to individuals with intellectual disabilities or autism to receive written approval from the department in circumstances relating to termination of services or declining a referral. The Department must establish a stakeholder group to develop the proposal. The Department must examine data to determine reasons why providers terminate or refuse referrals for services and determine barriers to accepting individuals for treatment services. The Department must report its findings, the proposal, and the steps for implementing the proposal, including any rulemaking and recommended legislation, to the Joint Standing Committee on Health and Human Services no later than January 2, 2024. Resolve 2023, chapter 60 was enacted as an emergency measure effective June 20, 2023.

Public Law Chapter 288

LD 1040, An Act to Require Reimbursement for Gender-affirming Care for MaineCare Members

Sponsored by Representative Moonen

Public Law 2023, chapter 288 prohibits the MaineCare program from discriminating in its reimbursement for medically necessary treatment on the basis of a MaineCare member's gender identity, gender expression, or on the basis that the MaineCare member is a transgender individual and requires that the program cover medically necessary treatment for or related to gender dysphoria.

Public Law Chapter 352

LD 1343, An Act to Protect the Reproductive Freedom of Maine People by Preempting the Field of Abortion Regulation

Sponsored by Representative Supica

Public Law 2023, chapter 352 provides that the entire field of legislation concerning abortion is occupied and preempted by the State, prohibiting municipalities, or other political subdivisions of the State from adopting any order, ordinance, rule, or regulation concerning the regulation of a person's decision to terminate a pregnancy or concerning the provision of abortion.

Public Law Chapter 294

LD 1507, An Act to Ensure the Accuracy of Vital Records with Respect to Gender

Sponsored by Representative Sheehan

Public Law 2023, chapter 294 provides that a person married in this State may apply to the State Registrar of Vital Statistics for a new marriage certificate reflecting the person's change of gender and the person's new first and middle names, if any. If a new marriage certificate is issued, it may not be marked "amended" and all copies of the original marriage certificate must be sealed from inspection.

Chapter 294 also provides that a death certificate for an individual must reflect the desired gender identity of the individual who has died if the person signing the certificate is aware of that desire either through a valid living will, advance health care directive or other record, including a record prepared by someone other than the individual. It also provides that a health care provider may amend a certificate of death with respect to the gender of the individual who has died.

Public Law Chapter 416

LD 1619, An Act to Improve Maine’s Reproductive Privacy Laws

Sponsored by Speaker Talbot Ross

Public Law 2023, chapter 416 amends the law governing abortion reports to eliminate the requirement to use the United States Standard Report of Induced Termination of Pregnancy and replace it with a report that may not contain any information that identifies the patient but must contain specific data such as the date and place the abortion was performed, the age of the patient, the method used to perform the abortion, and the gestational age of the fetus at the time of the abortion.

Chapter 416 changes the standard for when an abortion may be performed after viability to only when the abortion is necessary in the professional judgment of a licensed physician, instead of when it is necessary to preserve the life or health of the mother. In making the professional judgement, the physician must apply the applicable standard of care.

Chapter 416 also removes the Class C crime of performing an abortion without being licensed as a physician, physician assistant, or advanced practice registered nurse and for performing an abortion after viability of the fetus when it was not necessary for the preservation of the life or health of the mother. Chapter 416 clarifies that a person who performs an abortion without being a licensed physician, physician assistant, or advanced practice registered nurse may be subject to criminal prosecution for committing a Class E crime of unlicensed practice of medicine and may also be subject to additional civil or criminal penalties under other provisions of law.

Public Law Chapter 281

LD 1736, An Act to Advance the National HIV/AIDS Strategy in Maine by Broadening HIV Testing

Sponsored by Representative Osher

Public Law 2023, chapter 281 requires a health care provider to include an HIV test in the standard set of medical tests performed on an individual with a possible sexually transmitted disease or infection.

Public Law Chapter 412

LD 1964, An Act to Implement the Recommendations of the Commission to Develop a Paid Family and Medical Leave Benefits Program, died on adjournment but was incorporated into Part AAA of Committee Amendment “A” to LD 258, An Act Making Unified Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State

Government for the Fiscal Years Ending June 30, 2023, June 30, 2024 and June 30, 2025, and enacted into Public Law 2023, chapter 412.

Sponsored by Assistant Senate Majority Leader Daughtry

Chapter 412 establishes a comprehensive paid family and medical leave benefits program in the Maine Revised Statutes Title 26, chapter 7, subchapter 6-C. This benefits program includes specific provisions allowing sexual assault survivors to take paid leave based on similar language to the current unpaid leave provisions. Specifically, survivors can take paid leave to participate in court proceedings, medical care, and appointments with lawyers and law enforcement.

2023 Bills “Carried Over”

The Second Regular Session of the 131st Legislature will reconvene in January 2024, to take up new legislation and a number of bills that they carried over from the First Regular and Special Sessions of the 131st. Many of the carried-over bills received favorable support but were not funded. The Legislature can take these bills up again to determine whether to pass and fund them in the Second Regular Session.

[LD 566, An Act to Provide Funding for Sexual Assault Services](#)

Sponsored by Senator Duson

LD 566 would provide funding to boost the base wage for sexual assault advocates to \$45,000 and provide funding for sexual assault services in populations disproportionately impacted by sexual violence.



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

Sponsored by Senator Carney

LD 580 is a concept draft that would enable the Joint Standing Committee on Judiciary to report out a bill in response to the recommendation of a working group to make a change in child custody procedure.

Although the bill was carried over to the Second Regular Session and not the committee amendments that were last considered, the majority amendment discussed and voted on in committee would have authorized a party to a divorce, legal separation, parentage or parental rights and responsibilities proceeding or a post-judgment motion arising out of one of these actions to file a motion requesting that the court issue an ex parte emergency parental rights and responsibilities order on the basis that there is an immediate and present risk of substantial harm to the physical or emotional health or safety of a child. The order could have been issued by a District Court Judge or a family law magistrate and could have included a temporary allocation of parental rights and responsibilities between the parties in the underlying action, conditions of parent-child contact, and directives regarding the residence of the child. If a judge or magistrate issued an emergency parental rights and responsibilities order ex parte, the court would have had to hold a hearing within 21 days to determine the need for continuation of the temporary relief granted in the order. In the meantime, a party affected by the emergency parental rights and responsibilities order, other than the party that requested the order, could have filed a motion to modify or to dissolve the order, which the court would have had to hear as expeditiously as the interests of justice require.

The majority committee amendment to LD 580 would have also directed the Maine Commission on Domestic and Sexual Abuse to convene a working group of stakeholders, like the working group established by Resolve 2021, chapter 99, to review data from the judicial branch gathered for at least two years following implementation of the emergency parental rights and responsibilities order process established in this law to evaluate the efficacy of the process.

[LD 816, An Act to Provide Integrated Behavioral Health Services to Sexual Violence Survivors](#)

Sponsored by Representative Stover

LD 816 would provide funding for the State's sexual assault support centers to hire up to seven behavioral health professionals to provide services and receive training on working with victims of sexual assault, sexual exploitation, and sexual violence or related trauma.

[LD 907, An Act to Meet the Needs of Individuals with Severe Behavioral Health Diagnoses](#)

Sponsored by Representative Stover

LD 907 is a concept draft that would appropriate or allocate funds to the Department of Health and Human Services that would be used by the department to support the needs of children and adults with severe behavioral health diagnoses whose needs are not being met by state programs. The department would be authorized to use the funds to provide wraparound supports for children and adults with a high level of need, including: 1) supporting special staffing, such as agency or in-home staff who require enhanced rates to care for individuals in the community, 2) implementing physical accommodations to ensure that an individual's home

environment is safe, and 3) addressing other needs identified by families or providers to best meet the needs of the individuals receiving services. The funds would be required to supplement, not supplant, existing program funding.

Although the bill was carried over to the Second Regular Session and not the committee amendment that was last considered, the committee amendment discussed and voted on in committee would have required the Department of Health and Human Services to establish a contingency fund to provide supplemental assistance for children and adults with severe behavioral health diagnoses when those needs were not otherwise met by existing state or federal programs. The fund would have been a nonlapsing fund, and expenditures would have been capped at \$100,000 per fiscal year. The funds could have been used to support additional staffing, enhanced reimbursement rates, physical accommodations, or several other identified needs. Expenditures from the fund would have been used to supplement, not supplant, other Departmental expenditures.

[LD 1236, An Act to Increase the Provision of Children’s Behavioral Health Services in Rural Areas and to Provide Support for Families of Children Receiving Services](#)

Sponsored by Representative Madigan

LD 1236 would require the Department of Health and Human Services to expand children's behavioral health services for children in families involved in the child welfare system in rural areas. It would require the department to amend its rule in Chapter 101: MaineCare Benefits Manual, Chapter III, Sections 28 and to establish a rural reimbursement rate that includes travel time for providers to rural areas to provide services. It would require the department to offer grants or other incentives to existing providers to expand services into rural areas. It also would require the department to reimburse providers of services to families to meet and coordinate services for each family. The bill also would require the Department to fully implement the family team meetings plan in the Maine Family First Prevention Services State Plan. It would require the Department to train and provide neutral facilitators from child welfare staff for family team meetings.

Although the bill was carried over to the Second Regular Session and not the committee amendment that was last considered, the committee amendment discussed and voted on in committee would have amended the act to a ‘Resolve, to Increase the Provision of Children’s Behavioral Health Services in Rural Areas to Provide Support for Families of Children Receiving Services,’ and would have removed requirements related to faculty team meetings and reimbursement rates for Chapter 101: MaineCare Benefits 9 Manual, Chapter III, Sections 28 and 65 services. It would have required the Department of Health and Human Services to offer grants and incentives to providers to expand into rural areas to provide services to children and adults in families involved in the child welfare system and would have provided an appropriation of \$500,000 in each year of the biennium for this purpose.

LD 1478, An Act to Improve Women’s Health and Economic Security by Funding Family Planning Services

Sponsored by Representative Pierce

LD 1478 would provide ongoing appropriations of \$3,390,000 in each year of the biennium from the General Fund to be distributed by the Department of Health and Human Services to a single grantee to provide management and oversight of the delivery of family planning services.

LD 1540, An Act to Create the Stable Home Fund Program

Sponsored by Rep. Millett

LD 1540 would create the Stable Home Fund and the Stable Home Fund Program within the Maine State Housing Authority. The purpose of the program would be to provide persons earning up to 60% of the median income for an area as defined by the United States Department of Housing and Urban Development with \$300 per month in rental assistance paid directly to the landlord for up to 24 months or until those persons secure housing by means of a housing voucher program administered by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 20 888, Section 8, as amended, or secure a subsidized housing unit. The bill would direct the Maine State Housing Authority to administer the program except that the Maine State Housing Authority could delegate the administration of the program and provide appropriate funding from the fund to a municipal housing authority with respect to eligible persons located within the municipal housing authority's jurisdiction.

Although the bill was carried over to the Second Regular Session and not the committee amendments that were last considered, the majority committee amendment discussed and voted on in committee would have amended the act to a ‘Resolve, to Establish an Eviction Prevention Pilot Program,’ and would have directed the Maine State Housing Authority to develop a pilot program to provide support for eviction prevention. The pilot program would have provided rental assistance, paid directly to the landlord of an eligible person in an amount up to \$300 per month for up to 24 months. The resolve would have established eligibility criteria for assistance under the pilot program and would have directed the Maine State Housing Authority to delegate the administration of the pilot program to one or more of any of the following: a municipal housing authority, a community action agency, or another qualified entity determined by the Maine State Housing Authority. The resolve also would have established a fund for the purposes of the pilot program and provided a General Fund appropriation.

2023 Bills MECASA Opposed

Some of our work involves testifying against bills that we believe will be harmful to survivors of sexual violence, including these below.

[LD 891, An Act to Protect Due Process for Certain Public Sector Employees](#)

LD 891 would have created new processes when a student or employee reported being sexually harassed or sexually assaulted by a University of Maine employee. MECASA worked collaboratively with the Maine Educators Association (MEA) and the University of Maine System to discuss concerns about how this would impact sexual violence survivors, and ultimately, this bill did not become law.

[LD 1614, An Act to Require an Ultrasound and Certain Counseling Before an Abortion](#)

LD 1614 would have required ultrasounds for people seeking abortions, including survivors of sexual violence. MECASA testified against this bill, and the bill did not pass.

[LD 1261, An Act to Establish Mandatory Minimum Sentences for Gross Sexual Assaults and Sex Trafficking of Children](#)

LD 1261 would have established mandatory minimum sentences in certain criminal sexual violence cases. Because mandatory minimums reduce the ability of survivors to have agency in plea negotiations and other conversations about their goals in the criminal process, MECASA testified against LD 1261, and the bill did not pass.