



126th MAINE LEGISLATURE

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Legislative Document

No. 1504

S.P. 562

In Senate, May 7, 2013

**Resolve, Directing the Adjutant General of the State To Ensure the
Maine Code of Military Justice Addresses Sexual Trauma in the
Military**

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed pursuant to Joint Rule 218.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator VALENTINO of York.
Cosponsored by Representative RUSSELL of Portland and
Senators: President ALFOND of Cumberland, BOYLE of Cumberland, CAIN of Penobscot,
CLEVELAND of Androscoggin, CRAVEN of Androscoggin, DUTREMBLE of York,
FLOOD of Kennebec, GERZOFKY of Cumberland, GRATWICK of Penobscot, HILL of
York, JACKSON of Aroostook, JOHNSON of Lincoln, LACHOWICZ of Kennebec,
MAZUREK of Knox, MILLETT of Cumberland, PATRICK of Oxford, TUTTLE of York,
Representatives: BEAULIEU of Auburn, BEAVERS of South Berwick, CHENETTE of Saco,
CHIPMAN of Portland, Speaker EVES of North Berwick, HAYES of Buckfield,

LONGSTAFF of Waterville, McCABE of Skowhegan, MONAGHAN-DERRIG of Cape Elizabeth.

1 **Sec. 1. Adjutant General to conduct assessment of Maine Code of**
2 **Military Justice. Resolved:** That the Adjutant General shall conduct an assessment
3 of the Maine Code of Military Justice and other provisions of the Maine Revised Statutes,
4 Title 37-B that govern active duty personnel in the Maine National Guard, including air
5 reserve technicians and other activated military personnel, with regard to provisions that
6 apply to sexual assault in the military. The purpose of the assessment is to determine if
7 the Maine Code of Military Justice and other provisions of Title 37-B governing active
8 duty personnel in the Maine National Guard allow for the adequate prosecution of sexual
9 assault and proper treatment of military victims of sexual assault by comparing them with
10 the provisions of the National Defense Authorization Act for Fiscal Year 2013 that
11 amend 10 United States Code and that address the following:

12 1. Mandatory administrative separation or dismissal of any member of the Maine
13 National Guard convicted of any sexual offense;

14 2. Retention of restricted report documentation for 50 years, if so desired by the
15 victim, including information regarding a victim's consent regarding use of report
16 records;

17 3. Allowing victims to return to active duty after separation to help prosecute sex
18 offenders;

19 4. The creation of an independent review panel to examine the way sexual assaults
20 are investigated, prosecuted and adjudicated under the Maine Code of Military Justice;

21 5. Annual command climate assessment surveys to track individual attitudes toward
22 sexual assault and sexual harassment;

23 6. Mandatory insurance coverage for mental and physical health issues, including
24 abortions in cases of rape or incest for service women and military family members;

25 7. Required sexual assault prevention and intervention in precommand and
26 command courses for officers and relevant personnel;

27 8. Notification to Maine National Guard personnel of the options available for the
28 correction of military records that reflect any retaliatory personnel action consequent to a
29 report of sexual assault or sexual harassment;

30 9. Prohibition against the use of a moral waiver for recruitment of anyone convicted
31 of a sexual offense;

32 10. Active duty retention of survivors until the completion of a line of duty
33 determination to ensure completion of an official investigation and adjudication of the
34 sexual offense case;

35 11. Development of a policy for and documented annual review of required initial
36 and annual sexual assault prevention training for all new enlistees and members of the
37 Maine National Guard, respectively;

