



April 25, 2025

Senator Carney, Representative Kuhn, and Members of the Joint Standing Committee on Judiciary:

My name is Melissa Martin, and I am offering testimony today on behalf of the Maine Coalition Against Sexual Assault (MECASA), the organization which represents and serves Maine's sexual violence prevention and response programs as well as Maine's Children's Advocacy Centers. MECASA initiates and advocates for victim-centered public policy; provides expert training, technical assistance, and resources for providers and partners; and funds the service providers in your communities.

MECASA is here today in support of LD 1647, "An Act to Amend the Maine Human Rights Act to Provide Additional Remedies for Educational Discrimination." Thank you to Senator Carney for sponsoring this important legislation.

This bill addresses an important gap for sexual assault survivors potentially created by a recent U.S. Supreme Court decision. The Supreme Court held in *Cummings v. Premier Rehab Keller* that a plaintiff bringing suit to enforce certain provisions of federal law cannot recover emotional distress damages. Emotional distress damages are a form of relief aimed at compensating individuals for emotional harm or injury. Because these federal laws did not contain statutory text specifying whether emotional distress damages are available in a private suit, the Court interpreted the statutes in light of common law contract doctrine to conclude that they did not. However, this was contrary to decades of legal precedent allowing these types of damages to be collected in Title VI, Title IX, and the Age Discrimination Act cases.

LD 1647 restores students rights in Maine to access emotional distress damages to appropriately address and remedy sexual harassment in Maine schools.

A recent Harvard Law Review note analyzed the impact of *Cummings* on Title IX decisions and settlements and found that plaintiffs suing under Title IX have been significantly impacted in their

ability to recover damages when they have been sexually harassed or assaulted.¹ The note also points out that the results of this are often illogical, for example allowing a teacher fired for free speech concerns to recover emotional distress damages but not allowing a student survivor of sexual assault to do so.² This bill would address this gap in state law.

Availability of monetary relief is vitally important to student survivors. Sexual assault results in more than \$122,000 in costs per victim.³ In addition, student survivors in particular can have devastating impacts to their education and future health and earning ability when they do not have access to a full range of relief in cases of sexual harassment and assault. It is vital they have full access to remedies to address these damages and costs of assault.

Finally, LD 1647 is consistent with the dominant trend in New England states. New Hampshire, Vermont, and Connecticut all empower courts to award compensatory damages in cases of educational discrimination. Massachusetts provides for compensatory damages in cases of sexual harassment in certain educational institutions.

For these reasons, we strongly support the bill. Thank you for your consideration. We hope you will support LD 1647 and would be pleased to answer any questions you might have.

About Maine's Sexual Assault Service Providers

One in five Mainers will experience sexual assault at some point in their lifetime.⁴ Each year, 19,000 Mainers will experience sexual violence.⁵

¹Note, *Without Remedies: The Effect of Cummings and the Contract Law Analogy on Antidiscrimination Spending Clause Plaintiffs*, Harvard Law Review, March 2025, available at <https://harvardlawreview.org/print/vol-138/without-remedies-the-destructive-effect-of-cummings-and-the-contract-law-analogy-on-antidiscrimination-spending-clause-plaintiffs/>

² *Id.*

³ Peterson, C., DeGue, S., Florence, C., & Lokey, C. N. (2017). Lifetime economic burden of rape among U.S. adults. *American Journal of Preventive Medicine*, 52, 691-701. Retrieved from [https://www.ajpmonline.org/article/S0749-3797\(16\)30615-8/pdf](https://www.ajpmonline.org/article/S0749-3797(16)30615-8/pdf)

⁴ Murray, C., Dumont, R & Shaler, G. (2022). *Maine Crime Victimization Report: Informing public policy for safer communities*. Maine Statistical Analysis Center. University of Southern Maine.

⁵ *Ibid.*

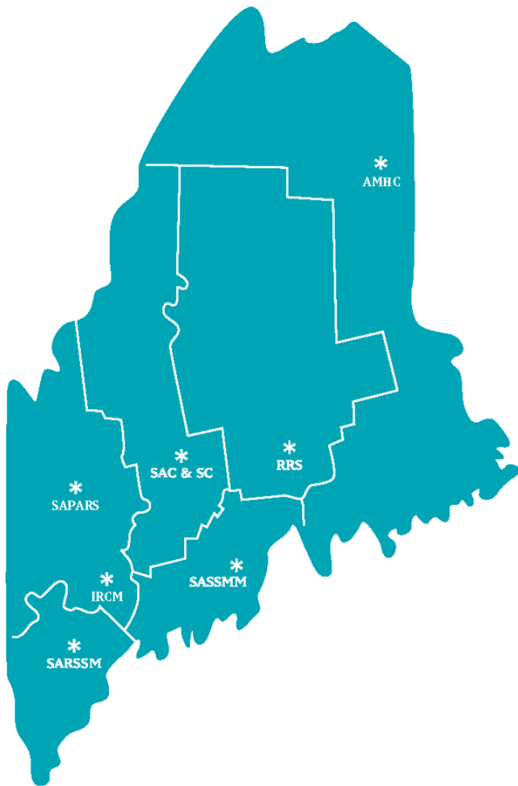
Maine's [sexual violence service providers](#) provide free and confidential services across the state to victims/survivors of sexual harassment and sexual assault and those close to them, as well as to individuals who wish to increase their understanding of the issues. Just some of the services include a 24-hour statewide sexual assault helpline, crisis intervention and information, support groups, in-person accompaniment and advocacy through the medical and legal systems, and school- and community-based prevention education. Services are provided for a victim/survivor regardless of when they experienced sexual violence, and regardless of what type of sexual violence they experienced. Types of sexual violence include, but are not limited to, sexual harassment and gender-based bullying, child sexual abuse, elder sexual abuse, stalking, sex trafficking, and sexual violence within an intimate partner relationship.

24/7 Confidential
Maine Sexual Assault Helpline: [1-800-871-7741](tel:1-800-871-7741)

mecasa

MAINE COALITION AGAINST
SEXUAL ASSAULT

info@mecasa.org | mecasa.org
207-626-0034



STATEWIDE
SEXUAL ASSAULT HELPLINE
1-800-871-7741

Free. Private. 24/7.

MAINE'S SEXUAL ASSAULT SUPPORT CENTERS

AMHC Sexual Assault Services (AMHC)

Serving Aroostook, Hancock, & Washington Counties •
amhcsas.org

Immigrant Resource Center of Maine

Serving Androscoggin & Cumberland Counties • ircofmaine.org

Rape Response Services (RRS)

Serving Penobscot & Piscataquis Counties • rrsonline.org

Sexual Assault Prevention & Response Services (SAPARS)

Serving Androscoggin, Oxford & Franklin Counties and the towns of
Bridgton & Harrison • sapars.org

Sexual Assault Crisis & Support Center (SAC & SC)

Serving Kennebec & Somerset Counties • silentnomore.org

Sexual Assault Response Services of Southern Maine (SARSSM)

Serving Cumberland & York Counties • sarssm.org

Sexual Assault Support Services of Midcoast Maine (SASSMM)

Serving Eastern Cumberland, Sagadahoc, Knox, Waldo & Lincoln
Counties • sassmm.org

MORE SEXUAL VIOLENCE SERVICES

Maine TransNet • mainetrans.net • info@mainetransnet.org

Wabanaki Women's Coalition • wabanakiwomenscoalition.org
207-763-3478

Aroostook Band of Micmacs, Domestic & Sexual Violence
Advocacy Center • 207-551-3639

Houlton Band of Maliseets, Domestic & Sexual Violence
Advocacy Center • 207-532-6401

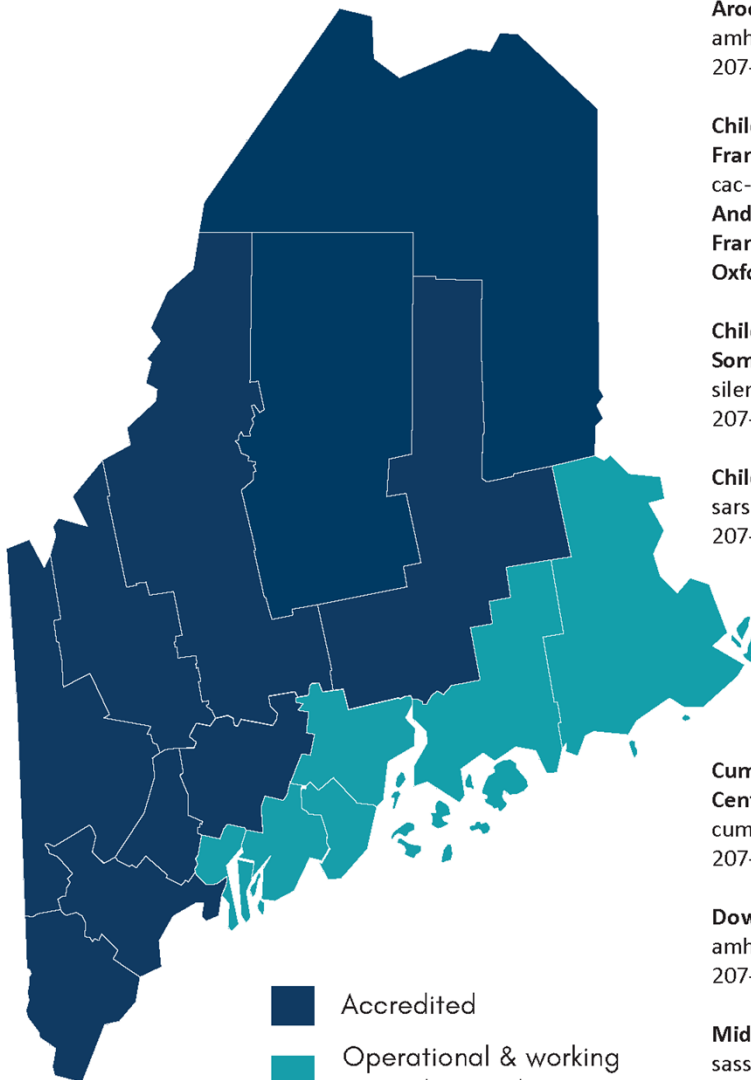
Indian Township Passamaquoddy, Domestic & Sexual
Violence Advocacy Center • 207-214-1917

Passamaquoddy Peaceful Relations • 1-877-853-2613

Penobscot Indian Nation, Domestic & Sexual Violence
Advocacy Center • 207-631-4886



Maine's Children's Advocacy Centers



- Accredited
- Operational & working toward accreditation

Aroostook County Children's Advocacy Center
amhcsas.org
207-472-6134

Children's Advocacy Center of Androscoggin, Franklin, and Oxford Counties
cac-afo.org
Androscoggin: 207-784-0436
Franklin: 207-778-9777
Oxford: 207-739-1228

Children's Advocacy Center of Kennebec & Somerset Counties
silentnomore.org/about-our-cac
207-861-4491

Children's Advocacy Center of York County
sarsmm.org
207-459-2380

Cumberland County Children's Advocacy Center
cumberlandcountycac.org
207-879-6160

Downeast Children's Advocacy Center
amhcsas.org
207-255-3687

Midcoast Children's Advocacy Center
sassmm.org
207-522-7162

Penquis Children's Advocacy Center
penquiscac.org
207-974-2469