

*131st Legislature*  
***Senate of***  
***Maine***  
*Senate District 29*

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*Testimony of Senator Anne Carney introducing*  
**LD 1461, An Act to Prevent Dating Partner Abuse by Including Dating Partners in the**  
**Scope of Domestic Violence Crimes**  
*Before the Joint Standing Committee on Judiciary*  
April 11, 2023

Representative Moonen and esteemed colleagues on the Joint Standing Committee on Judiciary, as you know, I am Anne Carney, proudly representing Senate District 29, which includes South Portland, Cape Elizabeth, and part of Scarborough. Today I am pleased to introduce LD 1461, An Act to Prevent Dating Partner Abuse by Including Dating Partners in the Scope of Domestic Violence Crimes. This legislation, if enacted, will amend the Maine Criminal Code to include dating partners within the scope of domestic violence crimes, consistent with our protection from abuse laws.

Most of the statutes that are proposed to be amended by LD 1461 are found within Chapter 9 of the Maine Criminal Code, Offences Against the Person. Looking very broadly at the distinction between crimes like assault and crimes like domestic violence assault, you will see that for both, the first offence is a Class D crime. For an offense where the victim is a family or household member, though, subsequent commission of the same offense or another domestic violence crime is a Class C crime. *Compare* 17-A MRS §207, Assault with 17-A MRS §207-A, Domestic violence assault.

Why the focus on domestic violence crimes? Domestic violence is a significant public health issue in Maine, and has been for a long time. Created by statute in 1997, the Maine Domestic Abuse Homicide Review Panel reviews deaths of persons who are killed by family or household members and looks at the data related to domestic abuse homicide cases. For the most recent biennial report issued in 2020, the Panel found that the eighteen domestic abuse homicides in 2018 and 2019 accounted for nearly 43% of Maine’s total homicides during the two year period.

The report states: “Domestic abuse is a pattern of behavior over time, not isolated incidents of physical or sexual violence.” *Id.*, pg. 16. This feature is reflected in our domestic violence criminal statutes. However there is a discrepancy between Maine’s Protection From Abuse Act, which creates civil remedies for domestic violence, and our criminal statutes.

The Protection From Abuse Act includes protections for “family or household members” which includes primarily spouses, domestic or sexual partners, and “dating partners” which includes couples who are not sexual partners. 19-A MRS §4102. The purpose of this legislation is simply

to include dating partners in the scope of Maine's domestic violence crimes in order to reduce or prevent dating partner violence. If assault, stalking or terrorizing of a dating partner is in substance the same pattern of violent behavior over time as domestic abuse of a spouse, domestic or sexual partner, these laws should apply equally to dating partners.

Thank you for your consideration and time. I am happy to answer your questions.



**Anne Carney**

State Senator, Senate District 29

*South Portland, Cape Elizabeth, and part of Scarborough*