

# **mecasa**

## **MAINE COALITION AGAINST SEXUAL ASSAULT**

April 10, 2024

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

My name is Melissa Martin, and I am submitting testimony today on behalf of the Maine Coalition Against Sexual Assault (MECASA), the organization that 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 2290 An Act to Correct Inconsistencies, Conflicts and Errors in the Laws of Maine, in particular Senator Carney's proposed Amendment.**

Delayed reporting in sexual violence cases is extremely common for a variety of reasons, including fear of retaliation, fear of not being believed, self-blame about what happened, not having a support person, or not understanding what happened. With minors, delayed reporting is the norm, not the exception. About 85% of survivors of childhood sexual harm delay reporting, or never report their abuse.

I say all of this to say there is no "right" time to report your abuse. Unless we do not amend Title 16, section 358. If we do not amend section 358, we are saying the right time to disclose abuse is only after October of 2023. We are treating children who disclosed prior to that date as less deserving of having their voice and statements heard directly by fact finders in their cases. This would not be because of a constitutional limitation preventing us from allowing these statements into evidence; this would be a distinct choice to treat one group of child sexual assault survivors differently than another group.

You have all heard a lot about criminal cases today. But it is important to remember that section 358 applies to civil cases as well, including family matter cases. ~~If you choose~~ If section 358 is **not** amended, to clarify that this law applies to pending cases, child sexual assault survivors whose parents filed for divorce or parental rights before this past October will be impacted as well.

I know of at least two cases that are currently pending and would be impacted. One is a case of severe physical child abuse and domestic violence where the child was interviewed at the Children's Advocacy Center.

Another is a case where a child was sexually assaulted by their own parent. That parent is being criminally tried in another state that **does** allow the forensic interview to be played as evidence. But that state, like Maine, has a large criminal trial backlog. The divorce trial in Maine will happen before the criminal trial in the other state. Without being able to use section 358 in the divorce case, the child victim will be forced to testify in the Maine divorce proceeding even though their statement will be used as evidence in the other state's criminal case.

This Committee supported this bill last session to prevent Maine from having these gaps compared to other states. A child sexual assault survivor should not be forced to testify in a court case in Maine when so many other states allow another method for their voice to be heard.

We hope you will support the Amendment to LD 2290 and would be pleased to answer any questions you might have.

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### About Maine's Sexual Assault Service Providers

One in five Mainers will experience sexual assault at some point in their lifetime.<sup>1</sup> Each year, 14,000 Mainers will experience sexual violence.<sup>2</sup>

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*

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<sup>1</sup> Dumont, R. & Shaler, G. (2015). *Maine Crime Victimization Report: Informing public policy for safer communities*. Muskie School of Public Service, University of Southern Maine.

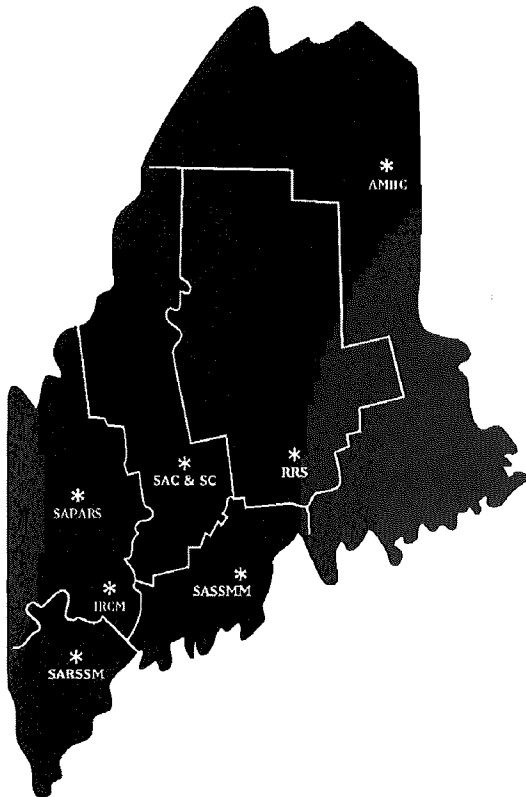
<sup>2</sup> *Ibid.*



# **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 •  
amhcsexualassaultservices.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 • sarsonline.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

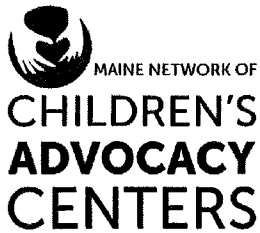
Aroostook Band of Micmacs, Domestic & Sexual Violence  
Advocacy Center • 207-551-3639

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

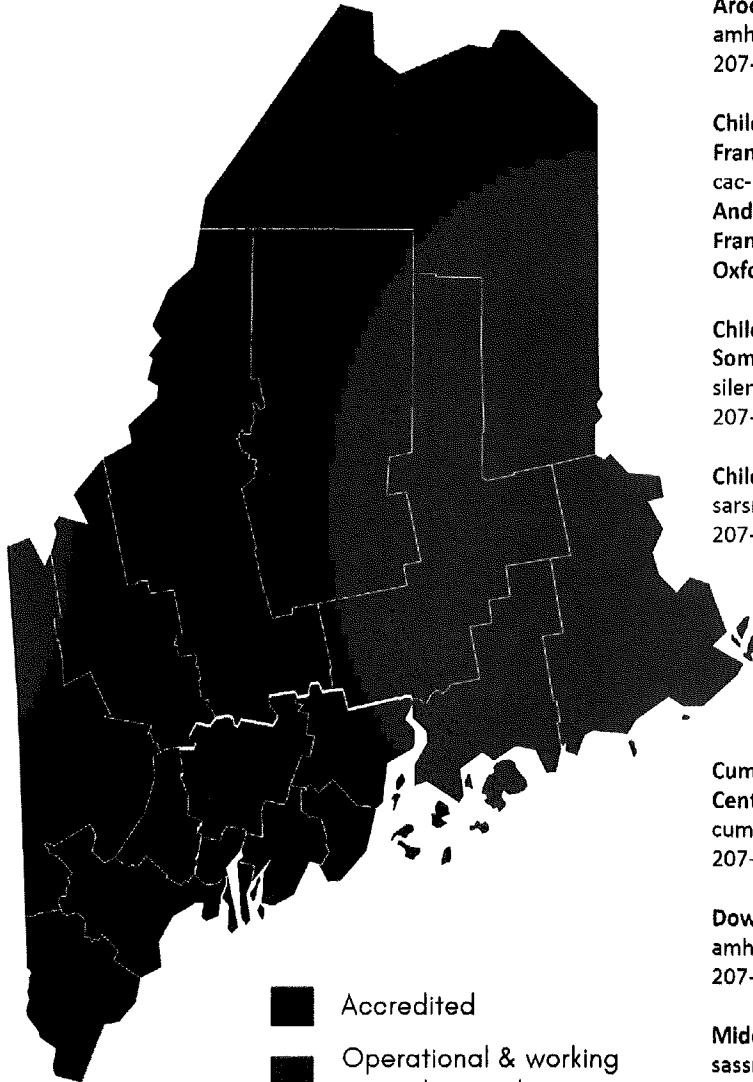
Indian Township Passamaquoddy, Domestic & Sexual  
Violence Advocacy Center • 207-214-1917

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-afco.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