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THE MAINE SENATE
132nd Legislature

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**Joint Standing Committee on Judiciary on
LD 549, An Act to Establish a Statewide Sexual Assault Forensic
Examination Kit Tracking System and Update Certain Requirements
Regarding Sexual Assault Forensic Examination Kits
February 26, 2025**

Senator Carney, Representative Kuhn, and esteemed members of the Joint Standing Committee on Judiciary: I am Senator Rick Bennett of Oxford, and I have the honor of serving 14 communities in Western Maine in the State Senate. I am pleased to sponsor LD 549, "An Act to Establish a Statewide Sexual Assault Forensic Examination Kit Tracking System and Update Certain Requirements Regarding Sexual Assault Forensic Examination Kits."

When the 131st Legislature adjourned last year, I was horrified to learn that Rep. Geiger's bill to establish a statewide sexual assault examination kit tracking system, which passed unanimously in the House and Senate, had been pocket vetoed by the Governor. I submitted this bill request to the Revisor's Office in July so it would be one of the first bills dealt with in the 132nd Legislature.

Since submitting the bill, I have had numerous meetings with members of the SAFE Board, people from MECASA and even had a tour of the Maine State Crime Lab. All of these interactions have shown me just how critical it is for this legislation to pass. Requiring the tracking and inventory of kits and testing all appropriate kits is the very least we owe survivors.

We can wait no longer. Maine is far behind other states on this commonsense investigative procedure to help bring justice to victims of sexual assaults. Shockingly, data from 2022 shows that nearly 80% of sexual assault exam kits collected in Maine were not tested. In 2023, only 12% of kits collected at hospitals had been submitted for testing. But victims don't know this. They expect that after they go through the traumatic experience of reliving an event, it will help lead to justice. When the SAFE Board conducted a survey of people who had had kits administered, asking, "Do you believe that this test will be processed?" Every single respondent said "yes." It should be a dark mark of shame that this is so far from the truth. Maine is the only state in the nation that hasn't enacted a tracking system, an inventory of past kits, and an active kit testing system.

Survivors believe their kits were tested and it is essential that we test backlogged kits examined. After working with the SAFE Board, I do want to bring your attention to an amendment I am proposing for this bill. We feel this new language, starting with the most recent untested kits and going backwards, will provide justice to survivors without overwhelming the Maine State Crime Lab by flooding all untested kits at once.

There are numerous issues that came up in different conversations we had on this topic. These are very important issues. I urge the committee to listen to the points of view of those presenting testimony today and then take these questions up in work session. Some of those issues include:

- How should we treat anonymous kits? Whether and when they are tested?
- How should we handle reported kits where the victim wants to remain anonymous?
- How should we deal with kits already stored but untested?
- Should there be an opt-in or opt-out policy for survivors regarding testing?
- How many more kits can the Crime Lab handle? What staff/equipment is needed to test all kits? This speaks to the fiscal note, which we all must be mindful of to ensure this bill is enacted and signed into law this year.

Regardless of what the committee decides on these matters, I believe this bill must pass. This is far too important to go unaddressed for another year. This bill must be funded and be workable for the Maine Crime Lab and the forensic nurses on the ground.

I do want to note that I would be open to amending the language to change “alleged victim” to “sexual assault patient.” However, I would not push for such a move unless that change will be made throughout statute.

Thank you for your consideration of this proposal today. I urge you to support this legislation. Without such a system, survivors will continue to be denied justice and future victims will be put at risk. I would be happy to answer any questions.