MCEDV.
The Maine Coalition
to End Domestic Violence

101 Western Ave.
P.O. Box 5188
Augusta, ME 04332-5188
207.430.8334

Testimony of Andrea Mancuso, on behalf of the Maine Coalition to End Domestic Violence
LD 670: "An Act to Address Coercive Control in Domestic Abuse Cases"

Before the Joint Standing Committee on Judiciary
Monday, March 3, 2025

Senator Carney, Representative Kuhn, and distinguished members of the Joint Standing Committee on Judiciary, I am writing on behalf of the Maine Coalition to End Domestic Violence (MCEDV)[1] to raise issues for your consideration in response to LD 670, AAT Address Coercive Control in Domestic Abuse Cases.

MCEDV and our member programs have heard from survivors across the state in each of the last several years that Maine's protection from abuse statute should make it clear that a protection from abuse order can be granted in response to "coercive control." Coercive control is part of the experience of so many victims of domestic abuse and violence. When survivors look at our current statute, many see the lack of the term "coercive control" as leading to the conclusion that behaviors associated with a pattern of coercive control do not qualify a victim for a protection from abuse order. That is understandable, given that different types of conduct that could constitute a pattern of coercive control are located in different parts of the current statute – some will be found in the "abuse" definition, and some are found in the fact that the protection from abuse statute, through reference, wholly incorporates Maine's stalking statute.

The types of behaviors that would fall into the categories under "coercive control" as set out in LD 670 are, as a practical matter, behaviors that our protection from abuse statute already provides remedy for, with one exception as noted below. Despite this, the protection order process is largely navigated by pro se plaintiffs. So, there is benefit in having eligibility language in the statute that allows more survivors to recognize their own experience as being eligible for the protections offered. This Committee could enact this

[1] MCEDV represents a membership of the eight regional domestic violence resource centers across Maine as well as two culturally specific service providers. Last year, our programs provided services to more than 12,000 survivors of domestic abuse and violence and their children in our state.

legislation. From our perspective, it does not expand eligibility, and it might allow more victims to see this process as something that is available to them.

When evaluating proposed modifications to the protection from abuse statute, one thing to always be on guard for is whether a change proposed with the best of intentions may actually lead to unintended harm to the very population it is intended to benefit. In this case, we would be looking to try to determine whether the proposed change would make it easier for those using abuse and violence to obtain a court order against a victim for conduct a victim engages in attempting to achieve safety and wellbeing. As currently drafted, we have a concern that Section 4, subparagraph A "limiting access of the person to financial resources" would open the door for just that. For many of the victims we work with, when they are contemplating separating from the person harming them, they may take steps to limit the other person's access to financial resources that had been available to them. This might look like opening their own bank account and redirecting a direct deposit from a joint account into this individually owned account. There are more examples of this kind of economic protection. It is examples like these that led to the policy decision that, while the definition of "economic abuse" lives in Maine's protection order statute, and a court can make a finding that it has occurred, it does not serve as an independent ground for the issuance of an order. We think that continues to be the right policy decision. It is our understanding that Representative Eaton has, or will have, a proposed amendment to this paragraph, and we believe that amendment, by tying conduct to intent, adequately addresses this concern.

A few other states have enacted "coercive control" provisions in their civil protection order statutes. By and large these states were states that had fairly narrow eligibility to begin with. For example, Connecticut largely limited eligibility to physical violence or threats of physical violence. Enacting a coercive control provision allowed these states to broaden eligibility to respond to behaviors that Maine's protection from abuse statute has been able to respond to for more than two decades. The other states that have enacted coercive control laws have done so with a broader lens than what is proposed here. We would have concerns with any proposal that was broader than the one put forward here. Our colleagues in other states have noted that they are seeing these broader definitions used inappropriately against victims. They are monitoring carefully, and at least one of them is exploring statutory change.

Maine's protection from abuse statute has served as a model for other states in its responsiveness to exactly this kind of behavior. In fact, Connecticut's coercive control statute incorporates Title 19-A, section 4101(1)(c) almost verbatim. Maine's Law Court has also interpreted both the abuse definition, and the stalking definition when relied on in protection from abuse cases, in ways that are in accord with the purpose and intent of this chapter of law, in response to the types of behaviors set out in the proposed definition. There is a wealth of supportive, interpretive case law. From a practical perspective, the current statute has fairly broad eligibility, and it works very well. It is very rare that, when a survivor describes in detail the behaviors that they have experienced and that they feel the

MCEDV.
The Maine Coalition
to End Domestic Violence

101 Western Ave.
P.O. Box 5188
Augusta, ME 04332-5188
207.430.8334

need to get a protection order in response to, that those behaviors don't, in some way, already fit within the existing statute.[2] Therefore, if the Committee chooses to move forward with this proposal, we implore you to move forward in the way it is proposed – as an independent definition – and not through any modification of the existing bases of eligibility.

MCEDV would welcome working in close partnership with the Committee as you further explore this proposal.

Andrea Mancuso
Public Policy Director
andrea@mcedv.org

[2] The most significant example of a circumstance in which a survivor talks to one of our program advocates about behavior that they would like to get a protection order in response to but for which eligibility for a protection order would be questionable, is when the other parent of their child is experiencing a substance use or mental health crisis, is neglecting the child while the child is in their care, or exposing the child to other 3rd parties who are a risk to the child. This Committee is considering a separate bill (LD 504) that will most effectively address these circumstances.