

Testimony in favor of LD 385

An Act to Protect Communications by Alleged Victims Regarding Sexual Assault, Sexual Harassment, Sexual Misconduct, Cyberbullying or Discrimination from Litigation

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Senator Carney, Representative Kuhn, and Honorable Members of the Joint Standing Judiciary Committee - thank you for your time today and the opportunity to address the committee.

My name is Amy Bouchard, and I live in Saco, Maine. I am here today to testify in support of LD 385.

In January, I tried and failed to prosecute a former partner of 3 years who recorded and virtually shared explicit content of me without my knowledge or consent. Due to how the law is written in Maine regarding unauthorized dissemination of private images, this case was not prosecuted. Because the material was shared without my knowledge, intent to harass was not found to be present. Unfortunately, my case did not move forward.

Before and throughout the process of trying to prosecute my former partner, I spoke to around 20 women who had similar experiences with him. These experiences varied - but every woman I talked to endured some form of sexual harassment or misconduct.

Some of the women I spoke to were afraid to officially report him. A photographer with a client list including Maine-based publications and organizations, some of his victims were younger photographers with less experience, afraid to speak out because they were worried about him jeopardizing their future work opportunities.

These women are not alone. According to statistics from the Department of Justice, 20% of women decide not to report a crime of sexual violence due to fear of retaliation.

In many cases, including mine, where legal action was not possible, and the abuser was a figure in a position of power, the only way to protect others is through word of mouth. It is important to remember that sexual assault and harassment is not always a violent crime, perpetrated by a stranger. It is sometimes carried out quietly and strategically, behind closed office doors or in the corner of a crowded industry event, by someone the victim is familiar with. Someone in a higher position who can silence the particularly vulnerable. In these cases, it is imperative for women to feel protected while sharing information.

This bill will give a voice to victims of sexual assault, harassment, misconduct, and cyberbullying, allowing them to speak about their experiences without legal retaliation.

Thank you for the opportunity to share my perspective with the Committee. I urge you to vote "Ought to Pass" on LD 385.

*Source: <https://rainn.org/statistics/criminal-justice-system>