



April 5, 2021

Senator Claxton, Representative Meyer and Members of the Joint Standing Committee on Health and Human Services:

My name is Elizabeth Ward Saxl and I am submitting testimony today on behalf of the Maine Coalition Against Sexual Assault (MECASA), the organization which represents and serves Maine's [sexual violence prevention and response programs](#). 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.

We also oversee the [Maine Sex Trafficking and Exploitation Network](#) and the [Maine Network of Children's Advocacy Centers](#).

We are here today **in support of LD 877, "An Act To Expand the Definition of Unlawful Sexual Touching."**

In 1999 I began work as MECASA's Executive Director and I still remember the first call I received from a survivor seeking policy change. She told me a man had repeatedly and aggressively groped her breasts. She went to report the sexual assault to the police and they indicated that it wasn't a sexual assault, but it was an assault in the Criminal Code and that they would charge him with assault. She spoke to me about feeling betrayed by the law. She recognized that there was a very different intent and impact of having your arm grabbed and having your breast groped; it was a different kind of violation. The man involved has a sexual intent, and she felt sexually violated and feared additional sexual violence.

It took four years, but now the sex crimes statutes include "Unlawful Sexual Touching" which means "touching of the breast, buttocks, groin or inner thigh, directly or through clothing, for the purpose of arousing or gratifying sexual desire."

Though I am an admirer of CLAC and am grateful for their careful analysis, we don't always agree and today is one of those days. They have a mantra which I agree with the vast majority of the time which is, "we don't need a change if it can be prosecuted under current statute." But I would add, unless the current statute doesn't reflect the nature of the crime. That's the case here.

When I spoke with the directors of Maine’s sexual assault support center about this bill, they pointed out that a person forcing themselves on another person and kissing them, is more intimate and threatening, because of the necessity of very close physical proximity, even more so someone tugging an inner thigh or buttock from a distance, which currently constitutes “unlawful sexual touching.”

I know some may say: “We’re going to criminalize kissing now?” But we are not asking anyone to criminalize kissing, but ensure that the full scope of behaviors which constitute unlawful sexualize touching are represented within this law. As you will likely hear from CLAC, it can already be prosecuted. But we would add, not a way that reflects the nature of the assault, and that deeply impacts a survivor’s experience and access to justice.

Also, I want to make sure you know that the Unlawful Sexual Touching crimes are not registerable under the Sex Offender Registry. That would remain true if kissing were added to this section. It would not be registerable.

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

Maine Sex Trafficking and Exploitation Network

The Maine Sex Trafficking and Exploitation Network (Maine STEN) is Maine’s statewide resource for trafficking-related training and technical assistance. Maine STEN’s focus is on developing training, policy solutions, and best practices to support direct service providers and multidisciplinary teams respond to trafficking. Some of the key projects of Maine STEN include our statewide trafficking training curriculum, trafficking outreach materials for statewide use, and a statewide provider council, which helps set statewide priorities and develop resources for more effective provision of services to victims and those at risk of human trafficking. Maine STEN also houses the Maine Human Trafficking Survivor Fund which in FFY20 served 106 unique survivors of human trafficking and sex exploitation in Maine helping them meet 142 individual emergency needs. Maine STEN provides centralized online access (www.mainesten.org) to Maine's anti-trafficking efforts and resources.

Maine’s Sexual Assault Service Providers

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 (1-800-871-7741), 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.

The Maine Network of Children's Advocacy Centers

The Maine Network of Children's Advocacy Centers is a membership organization committed to promoting Children's Advocacy Centers (CACs) and supporting existing and emerging centers. The Network promotes the development, growth, and utilization of CACs and multi-disciplinary teams to more effectively respond to Maine's sexually abused children and their families. The Maine Network of Children's Advocacy Centers is a program of the Maine Coalition Against Sexual Assault and is an accredited member of the National Children's Alliance. The Network has seven members across Maine. The Maine Network of Children's Advocacy Centers provides statewide representation and support for Maine's local Children's Advocacy Centers including, resource sharing and mentoring, technical assistance, public policy advocacy, and statewide communication.