



2017 NEW MAINE LAWS

Implications for Advocates

During the 2017 legislative session the Maine Legislature considered many bills which would have implications for your work. The 2017 session was the first year of a two-year Legislative cycle, from January through June, during which the Maine Legislature completes a budget and the majority of their policy initiatives, which are typically enacted (become law) within 90 days of passage. Below you will find a selection of laws resulting from that session.

Public Law 65: An Act To Amend the Laws Governing the Sex Offender Registry

What does it do?

In 2016 a new law was passed that makes sexual contact or touching unlawful when it occurs between a student and a person at the school who has authority over the student (such as a coach). Previously, this was only true when the student was under 18. The law acknowledged that the same power differential exists between school officials and high school students who are 18 and older as with those who are under.

This new law brings the sex offender registry in alignment with that law and removes the age limit for acts between students and school authorities. This will apply to violations committed on or after October 1, 2017.

What does it mean for your work?

When working with a high school student over the age of 18 who has experienced sexual violence or coercion by a school authority (coach, teacher, tutor, etc.), that offender may be subject to sex offender registration with a conviction.

Public Law 103: An Act Regarding the Eviction Process

What does it do?

This law allows a landlord to evict someone with seven days' written notice if the landlord can demonstrate that the tenant or the tenant's guest is the perpetrator of violence, a threat of violence or sexual assault against other tenants, their guests, the landlord or the landlord's employees or agents.

However, a victim of domestic violence, sexual assault or stalking who is currently living at the same property is not subject to the seven-day notice of termination, if they can demonstrate that they have taken reasonable actions to comply with a landlord's request.

What does it mean for your work?

This law means that if a victim/survivor is living with (or in the same building) the person who sexually assaulted them, there are additional ways for the perpetrator to be evicted and the victim/survivor to stay in the rental beyond those available in the current housing protection laws.

As always – if you are working with a sexual assault survivor needing housing advocacy, refer to Pine Tree Legal Assistance, they are the best resource for navigating this law.

Public Law 128: An Act To Clarify and Amend Certain Provisions of Law Regarding Victim Services

What does it do?

This law adds funeral and deathbed visits by prisoners to Department of Corrections victim notification. It also expands the definition of “victim” to a person who has obtained a Protection from Abuse Order and by allowing victims to request notification directly from the Department of Corrections.

The law also allows a court to revoke the probation of an offender who has contact with a victim during incarceration if contact has been prohibited by a condition of probation, by the department or by a county or regional jail.

What does it mean for your work?

This law offers three more options for safety and support to victim/survivors if the person who sexually assaulted them is incarcerated. Historically, survivors only had rights to “victim notification” if they were the victim of the crime the offender was incarcerated for. But now, if you are working with a survivor and they have a PFA (with findings or by agreement) against someone who is incarcerated in a state-run facility, they can ask for victim notification.

Victims have a right to be notified about the offender’s whereabouts, furlough requests, release dates, probation, and now, funeral and deathbed visits.

You can always call Tessa Mosher, Director of Victims Services at the Department of Corrections to talk through options for survivors: 207-287-4576.

Public Law 135: An Act to Protect Minors from Sex Trafficking

What does it do?

Public Law 2017, chapter 135 creates a new Class D crime of soliciting a child to engage in prostitution, if the perpetrator knowingly solicits a minor to engage in prostitution. The solicitation can be direct or indirect and occur by any means.

What does it mean for your work?

Though solicitation for any unlawful behavior was already covered in Maine law, this ensures that soliciting a minor for commercial sex work is specifically addressed. In Maine, 'prostitution' consists of engaging in a sexual act or sexual contact in return for a pecuniary benefit (money, or something that can be valued as money, i.e. drugs, housing). This means that if you are working with any minor who has been approached – directly or indirectly – for a sexual act in exchange for a monetary exchange – the perpetrator may have committed a Class D crime.

Public Law 162: An Act To Coordinate & Enforce Existing Workplace Training Requirements

What does it do?

Public Law 2017, chapter 162 amends the law to specify the roles and responsibilities of the Department of Labor and the Maine Human Rights Commission in the development, execution, and enforcement of the existing workplace training requirements for sexual harassment. It provides that the commission may provide its sexual harassment poster to employers at no charge.

This law directs the Department of Labor to develop a compliance checklist for the required sexual harassment training and post it on the department's website. It requires employers to use the checklist to develop their required sexual harassment training program and to keep a record of the training, including a record of employees who have received the required training. This law also adds penalties for employers who have not met the posting, notification, education and training requirements.

What does it mean for your work?

Local centers may be able to support this sexual harassment training; if so, it should comply with the Dept. of Labor's compliance checklist.

Public Law 192: An Act to Combat Human Trafficking by Creating Prevention Training Opportunities

What does it do?

Public Law 2017, chapter 192 requires that all new and renewed commercial driver's licenses be accompanied by information that outlines how to recognize human trafficking and how to report human trafficking and includes a telephone number for a national human trafficking hotline.

What does it mean for your work?

Nationally there is a push to train commercial truckers to identify and respond to human trafficking (Truckers Against Trafficking is the main advocacy and training agency). You might hear about truckers or community members advocating for awareness and more training. You can let folks know of the law and offer any training and resources they need. The phone number that is included on the resources will be the national human trafficking hotline; Maine's sexual assault and domestic violence service providers are the local service contacts for that national hotline.

Public Law 221: An Act to Increase Efficiency in the Enforcement of Restitution and Bail Orders

What does it do?

If a court determines that an offender has violated unsecured preconviction bail and that the violation is not excused, the court must enter an order of forfeiture of bail, which may not exceed the amount of the unsecured bail previously set. The law authorizes the State Tax Assessor to withhold funds owed to a taxpayer with regard to whom a forfeiture order has been entered.

What does it mean for your work?

This is another means for survivors to collect restitution. Follow up with the Victim Witness Advocate.

Public Law 300: An Act to Amend the Laws Governing Sex Offenses

What does it do?

Previously a person could not be found guilty of gross sexual assault unless there was force or the threat of force was involved (or one of a range of power differentials was present). Now, an actor is guilty of gross sexual assault if they engage in a sexual act with someone who has not expressly or impliedly consented to the sexual act. This violation is a Class C crime.

The law also amends the crime of gross sexual assault by removing the defense that the other person voluntarily consumed or allowed the actor to administer drugs or other intoxicants. In practice, that means that a perpetrator cannot use the claim that a victim voluntarily drank/consumed drugs as a defense of their actions.

What does it mean for your work?

This is a major and important change to which sexual assaults can be prosecuted in in Maine. While previously threats of violence or force were required for gross sexual assault, the new crime ensures that the perpetrator is guilty if the victim has not “expressly or impliedly consented to the sexual act.” “Expressly or impliedly” is language that already exists in other places in Maine law, so the concept is widely understood by prosecutors.

Additionally, the law no longer allows a defense when a victim voluntarily consumed drugs or intoxicants provided by the perpetrator.

Both changes not only allow for more sex crimes to be prosecuted in Maine but will also align the Criminal Code with the public’s perception of what constitutes sexual assault.

If you have questions about any of these laws or what it means for your work, please contact a MECASA staff member!