

MAINE STATE LEGISLATURE

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Office of
The Governor

No. 1 FY 21/22
DATE March 24, 2022

**AN ORDER ESTABLISHING THE GOVERNOR'S ADVISORY COUNCIL ON
MILITARY SEXUAL TRAUMA TO MORE EFFECTIVELY PREVENT, DETER, AND
PROSECUTE SEXUAL ASSAULT AND SEXUAL HARRASSMENT**

WHEREAS, the Maine National Guard has issued its Report to the Legislature in response to L.D. 625, *Resolve, Directing a Review of Crucial Needs and Lapses in Responding to and Preventing Sexual Trauma in the Maine National Guard* ("Report"); and

WHEREAS, the Report highlights the need to improve communication and collaboration among the members of the Maine National Guard, state, county and elected law enforcement, prosecutors, judicial officers, advocates, and sexual assault survivors; and

WHEREAS, survivors of military sexual trauma deserve a fair, timely, and comprehensive process for reporting such incidents and a dedicated pathway for communicating any problems or barriers they experience; and

WHEREAS, improving relationships among the federal, state, and local criminal justice systems, federal National Guard Bureau regulations and personnel, and survivor support systems will provide more prompt and equitable responses to complaints of sexual assault and harassment within the Maine National Guard, deterring such acts, and promoting a culture of respect, professionalism and equal opportunity;

NOW, THEREFORE, I, Janet T. Mills, Governor of the State of Maine, pursuant to Me. Const. Art V, Pt. 1, §§ 1 & 12, do hereby Order as follows:

I. ESTABLISHMENT AND PURPOSE

The Advisory Council on Military Sexual Trauma is hereby established. The purpose of the Advisory Council is to follow up on issues addressed in the Report, to ensure that survivors are connected to all available resources, to designate a point of contact for survivors seeking to report problems they have

experienced during the investigative process, and to improve the Maine National Guard's response to sexual assault and sexual harassment within its ranks, with particular focus on coordinating state and local law enforcement and prosecutors and National Guard personnel as they respond to individual cases.

The Advisory Council shall:

- A. Identify best practices in reporting and preventing sexual trauma in the Maine National Guard;
- B. Identify barriers to reporting sexual trauma in the Maine National Guard;
- C. Identify state resources available to respond to and prevent sexual trauma within the Maine National Guard;
- D. Improve communication between the Maine National Guard, state, county, and local law enforcement, and prosecutors regarding investigation and prosecution of criminal acts between members of the Maine National Guard;
- E. Ensure that relevant violations of the Military Code of Justice are communicated to Maine Authorities;
- F. Propose an amendment to 17-A M.R.S. § 506-A, *Harassment*, in order for the courts to recognize military orders to cease harassment;
- G. Identify resources available within the state of Maine to support survivors of sexual assault and harassment and make sure these resources are promptly provided to members of the Maine National Guard;
- H. Identify a process that will ensure survivors have an opportunity to communicate problems they have experienced during the reporting and investigative process and ensure this input from survivors is incorporated into any Maine National Guard policy changes or actions;
- I. Improve communication between survivors of military sexual trauma, state prosecutors and state, county, and local law enforcement;
- J. Identify ways the Department of Defense, Veterans and Emergency Management can increase its involvement in the state's response to sexual trauma in order to better inform its internal policies;
- K. Identify federal policies and resources, including those of the U.S. Department of Defense and the National Guard Bureau, available to support efforts to respond to and prevent sexual trauma in the Maine National Guard;
- L. Make recommendations to the Governor as appropriate to enhance the prevention, reporting, and timely prosecution of sexual assault and sexual harassment within the Maine National Guard.

II. Membership

The Advisory Council shall consist of ten members to be appointed by, and serve at the pleasure of, the Governor.

- 1. The Commissioner of Defense, Veterans and Emergency Management, or the Commissioner's designee, who shall serve as chair;
- 2. The Commissioner of Public Safety or the Commissioner's designee;

3. The Attorney General or the Attorney General's designee;
4. The President of the Maine Prosecutors Association or the President's designee;
5. The President of the Maine Sheriffs' Association or the President's designee;
6. The President of the Maine Chiefs of Police Association or the President's designee;
7. The Chair of the Maine Commission on Domestic and Sexual Abuse, or the Chair's Designee;
8. One member who is the executive director of a statewide coalition against sexual assault;
9. One member who is an advocate for survivors or identifies as a survivor of military sexual trauma and who participated in the military justice or state court system; and
10. One member representing an organization that works with survivors of military sexual trauma.

The Chief Justice of the Supreme Judicial Court is requested to appoint a representative of the Judicial Branch to serve the Council in an advisory capacity.

III. Proceedings

The Chair will preside at, set the agenda for, and schedule Advisory Council meetings. The Advisory Council shall meet as often as necessary to complete the assigned duties. To the extent practicable, all meetings shall be open to the public and held in locations determined to by the Advisory Council or will be held virtually, but the proceedings of the Advisory Council are not otherwise "public proceedings" within the meaning of 1 M.R.S. § 402(2)(F). The Department of Defense, Veterans, and Emergency Management shall staff the Advisory Council as resources permit.

IV. Recommendations

The Advisory Council shall submit its recommendations to the Governor on or before December 1, 2022, after which submission the Advisory Council will continue to meet at least annually to ensure response efforts continue to meet the needs of survivors.

V. Compensation

Members of the Council shall serve without compensation.

VI. Effective Date

The Effective Date of this Order is March 24, 2022.



Janet T. Mills, Governor