

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2025

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Legislative Document

No. 1888

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H.P. 1259

House of Representatives, May 5, 2025

### **An Act to Combat Organized Criminal Enterprises in Maine**

(EMERGENCY)

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Received by the Clerk of the House on May 1, 2025. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script, reading "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative ARATA of New Gloucester.  
Cosponsored by Senator HARRINGTON of York and  
Representatives: ARDELL of Monticello, FAULKINGHAM of Winter Harbor, GRAMLICH  
of Old Orchard Beach, LEE of Auburn, MCINTYRE of Lowell, POIRIER of Skowhegan,  
STOVER of Boothbay, Senator: BEEBE-CENTER of Knox.

1       **Emergency preamble.** Whereas, acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3       **Whereas,** this legislation needs to take effect before the expiration of the 90-day  
4 period because racketeering is occurring in this State and needs to be addressed as soon as  
5 possible to protect the health and safety of residents of this State; and

6       **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
7 the meaning of the Constitution of Maine and require the following legislation as  
8 immediately necessary for the preservation of the public peace, health and safety; now,  
9 therefore,

10       **Be it enacted by the People of the State of Maine as follows:**

11       **Sec. 1. 15 MRSA §5821, sub-§10,** as enacted by PL 2019, c. 97, §3, is amended  
12 to read:

13       **10. Assets in sex trafficking offenses.** All assets, including money instruments,  
14 personal property and real property, used or intended for use in or traceable to an  
15 aggravated sex trafficking offense as defined in Title 17-A, section 852 or a sex trafficking  
16 offense as defined in Title 17-A, section 853; ~~and~~

17       **Sec. 2. 15 MRSA §5821, sub-§11,** as enacted by PL 2019, c. 97, §3, is amended  
18 to read:

19       **11. Assets in criminal forced labor offenses.** All assets, including money  
20 instruments, personal property and real property, used or intended for use in or traceable to  
21 a criminal forced labor offense as defined in Title 17-A, section 304 or an aggravated  
22 criminal forced labor offense as defined in Title 17-A, section 305.; and

23       **Sec. 3. 15 MRSA §5821, sub-§12** is enacted to read:

24       **12. Assets in racketeering offenses.** All assets, including money instruments,  
25 personal property and real property, used or intended for use in or traceable to a  
26 racketeering offense as described in Title 17-A, section 1132.

27       **Sec. 4. 17-A MRSA c. 46** is enacted to read:

28                               **CHAPTER 46**

29                               **RACKETEERING**

30       **§1131. Definitions**

31       As used in this chapter, unless the context otherwise indicates, the following terms  
32 have the following meanings.

33       1. "Criminal act" means conduct constituting any of the following crimes, or  
34 conspiracy to commit or an attempt to commit any of the following Class A, B, C or D  
35 crimes, under the following provisions:

36               A. Section 201, murder;

37               B. Section 283, dissemination of sexually explicit material;

1        C. Section 284, possession of sexually explicit material;  
2        D. Section 301, kidnapping;  
3        E. Section 304, criminal forced labor;  
4        F. Section 305, aggravated criminal forced labor;  
5        G. Section 353, theft by unauthorized taking or transfer;  
6        H. Section 354, theft by deception;  
7        I. Section 355, theft by extortion;  
8        J. Section 357, theft of services;  
9        K. Section 363, organized retail theft;  
10       L. Section 401, burglary;  
11       M. Section 602, bribery in official and political matters;  
12       N. Section 651, robbery;  
13       O. Section 702, aggravated forgery;  
14       P. Section 703, forgery;  
15       Q. Section 708, negotiating a worthless instrument;  
16       R. Section 757, trafficking in prison contraband;  
17       S. Section 802, arson;  
18       T. Section 852, aggravated sex trafficking;  
19       U. Section 853, sex trafficking;  
20       V. Section 905-A, misuse of identification;  
21       W. Section 905-C, misuse of public benefits instrument;  
22       X. Section 953, aggravated unlawful gambling;  
23       Y. Section 955, possession of gambling records;  
24       Z. Section 956, possession of gambling devices;  
25       AA. Section 1103, unlawful trafficking in scheduled drugs;  
26       BB. Section 1104, trafficking in or furnishing counterfeit drugs;  
27       CC. Section 1105-A, aggravated trafficking of scheduled drugs;  
28       DD. Section 1105-B, aggravated trafficking or furnishing of counterfeit drugs;  
29       EE. Section 1105-C, aggravated furnishing of scheduled drugs;  
30       FF. Section 1105-D, aggravated cultivating of marijuana;  
31       GG. Section 1106, unlawfully furnishing scheduled drugs;  
32       HH. Section 1117, subsection 1, paragraph B, subparagraph (1) or (2), cultivating 100  
33       or more marijuana plants; or  
34       II. In the laws of this State relating to the taxation of alcoholic beverages, cigarettes,  
35       gasoline or cannabis, any Class C or higher crime.

1           2. "Enterprise" means any entity, corporate or otherwise, public, private or  
2 unregistered, engaged in business, commercial, professional, industrial, charitable, social,  
3 political or governmental activity.

4           3. "Pattern of criminal activity" means conduct, engaged in by persons charged with  
5 racketeering, constituting 2 or more criminal acts that:

6           A. Were committed within 3 years of the commencement of the criminal action that  
7 includes the racketeering charge;

8           B. Are neither isolated incidents nor so closely related and connected in point of time  
9 or circumstances of commission as to constitute a single criminal act, incident or  
10 venture;

11          C. Are either:

12           (1) Related to one another through a common scheme or plan; or

13           (2) Were committed, solicited, requested, importuned or intentionally aided by  
14 persons acting with the mental culpability required for the commission of those  
15 acts and associated with or in the racketeering enterprise; and

16          D. Are not juvenile crimes, as defined in Title 15, section 3103.

17          4. "Racketeering enterprise" means a group of 3 or more persons sharing a common  
18 purpose of engaging in criminal conduct, associated in an ascertainable structure distinct  
19 from a pattern of criminal activity, and with a continuity of existence, structure and criminal  
20 purpose beyond the scope of individual criminal incidents.

21 **§1132. Racketeering**

22          1. A person is guilty of racketeering if, having knowledge of the existence of a  
23 racketeering enterprise and the nature of its activities, and being knowingly associated with  
24 the racketeering enterprise, that person:

25           A. Intentionally or knowingly conducts or participates in the affairs of the racketeering  
26 enterprise by participating in a pattern of criminal activity;

27           B. Intentionally acquires or maintains any interest in or control of the racketeering  
28 enterprise by participating in a pattern of criminal activity; or

29           C. Participates in a pattern of criminal activity and knowingly invests any proceeds  
30 derived from that conduct, or any proceeds derived from the investment or use of those  
31 proceeds, in the racketeering enterprise.

32          2. For purposes of this section, a person participates in a pattern of criminal activity  
33 when, with intent to participate in or advance the affairs of the racketeering enterprise, that  
34 person engages in conduct constituting, or is criminally liable for the conduct of another  
35 under section 57, at least 2 of the criminal acts included in the pattern if:

36           A. Both of the acts are Class D or higher crimes other than conspiracy; and

37           B. Both of the acts occurred within 3 years of the commencement of the criminal action  
38 that includes the racketeering charge.

39          3. For purposes of this section, the enterprise associated with the racketeering  
40 enterprise in violation of this section is not required to be the racketeering enterprise by

1 which the person is employed or with which that person is associated, and may be a  
2 legitimate enterprise.

3 4. If the highest sentencing class of the criminal acts included in the pattern of criminal  
4 activity is:

5 A. Class A or B, a violation of this section is a Class B crime; or

6 B. Class C or D, a violation of this section is a Class C crime.

7 **§1133. Jurisdiction for racketeering prosecutions**

8 1. In addition to the State's having jurisdiction pursuant to section 7 to convict a person  
9 under section 1132, the State has jurisdiction to convict a person under this chapter if that  
10 person is physically located outside of this State and the prohibited conduct:

11 A. Occurs outside of this State and the victim of the crime is a resident of this State at  
12 the time of the crime; and

13 B. Is sufficient under this chapter to constitute a crime in this State.

14 2. As used in this section, "resident" means a person who lives in this State either  
15 permanently or for an extended period. For purposes of this subsection, "extended period"  
16 includes, but is not limited to, the period of time a student attends a school or college and  
17 the period of time a person serving in the Armed Forces of the United States is stationed in  
18 this State.

19 3. The crime of racketeering as described in section 1132 may be prosecuted and  
20 punished in:

21 A. The county in which the defendant was located when the defendant committed one  
22 or more of the criminal acts;

23 B. The county in which the victim of one or more of the criminal acts was located  
24 when the act was committed; or

25 C. If the criminal acts are found to have occurred in one or more counties, the county  
26 where the criminal act with the highest sentencing class occurred.

27 **Emergency clause.** In view of the emergency cited in the preamble, this legislation  
28 takes effect when approved.

29 **SUMMARY**

30 This bill creates the criminal offense of racketeering, which allows for prosecution of  
31 individuals who are members of a racketeering enterprise when 2 or more qualifying  
32 criminal acts have been committed by members of the criminal enterprise. Qualifying  
33 criminal acts include human trafficking, drug trafficking, illicit marijuana cultivation  
34 operations, thefts and financial fraud, gambling and violent acts.

35 The bill provides a mechanism for assets, including money, wrongfully obtained  
36 through a racketeering enterprise to be forfeited by amending the criminal asset forfeiture  
37 laws.