

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

SECOND REGULAR SESSION-1996

Legislative Document

No. 1666

H.P. 1216

House of Representatives, January 9, 1996

An Act to Include Sexual Contact in the Definition of Prostitution.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26. Reference to the Committee on Criminal Justice suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative POVICH of Ellsworth.
Cosponsored by Senator FAIRCLOTH of Penobscot and
Representatives: AHEARNE of Madawaska, BIGL of Bucksport, BIRNEY of Paris,
BOUFFARD of Lewiston, BUCK of Yarmouth, CAMERON of Rumford, CAMPBELL of
Holden, CARR of Hermon, CLARK of Millinocket, DESMOND of Mapleton, DRISCOLL of
Calais, FARNUM of South Berwick, FISHER of Brewer, FITZPATRICK of Durham,
GUERRETTE of Pittston, HICHBORN of Lagrange, KEANE of Old Town, KILKELLY of
Wiscasset, LANE of Enfield, LAYTON of Cherryfield, LEMAIRE of Lewiston, LEMONT of
Kittery, LINDAHL of Northport, LOOK of Jonesboro, LUMBRA of Bangor, MADORE of
Augusta, MARSHALL of Eliot, MORRISON of Bangor, MURPHY of Berwick, O'NEAL of
Limestone, PINKHAM of Lamoine, REED of Dexter, ROBICHAUD of Caribou, SAMSON
of Jay, SAXL of Bangor, SAXL of Portland, SIMONEAU of Thomaston, SIROIS of Caribou,
STONE of Bangor, TAYLOR of Cumberland, TUFTS of Stockton Springs, VIGUE of
Winslow, WATERHOUSE of Bridgton, WHEELER of Bridgewater, WINSOR of Norway,
Senators: BEGLEY of Lincoln, CAREY of Kennebec, CASSIDY of Washington, HANLEY
of Oxford, LORD of York, RUHLIN of Penobscot.

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

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Sec. 1. 17-A MRSA §851, sub-§1, as amended by PL 1989, c. 401, Pt. B, §3, is further amended to read:

1. "Prostitution" means engaging in, or agreeing to engage in, or offering to engage in a sexual act or sexual contact, as those terms are defined in section 251, in return for a pecuniary benefit to be received by the person engaging in prostitution or a 3rd person;

Sec. 2. 17-A MRSA §851, sub-§1-A, as amended by PL 1989, c. 401, Pt. B, §4, is further amended to read:

1-A. "Engages a prostitute" means providing or agreeing to provide, either to the person whose prostitution is sought or to a 3rd person, pecuniary benefit in return for a sexual act or sexual contact as those terms are defined in section 251;

Sec. 3. 17-A MRSA §851, sub-§2, as amended by PL 1989, c. 401, Pt. B, §5, is further amended to read:

- 2. "Promotes prostitution" means:
 - A. Causing or aiding another to commit or engage in prostitution, other than as a patron; ~~or~~
 - B. Publicly soliciting patrons for prostitution. Publicly soliciting patrons for prostitution ~~shall include~~ includes, but is not be limited to, an offer, made in a public place, to engage in a sexual act or sexual contact, as those terms are defined in section 251, in return for a pecuniary benefit to be received by the person making the offer or a 3rd person; ~~or~~
 - C. Providing persons for purposes of prostitution; ~~or~~
 - D. Leasing or otherwise permitting a place controlled by the defendant, alone or in association with others, to be regularly used for prostitution; ~~or~~
 - E. Owning, controlling, managing, supervising or otherwise operating, in association with others, a house of prostitution or a prostitution business; ~~or~~
 - F. Transporting a person into or within the State with the intent that such other person engage in prostitution; or
 - G. Accepting or receiving, or agreeing to accept or receive, a pecuniary benefit pursuant to an agreement or

2 understanding with any person, other than with a patron,
whereby he participates or he is to participate in the
proceeds of prostitution.

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6 **Sec. 4. 17-A MRSA §854, sub-§1, ¶A**, as amended by PL 1995, c.
72, §2, is further amended to read:

8 A. In a public place:

10 (1) The actor engages in a sexual act or sexual
12 contact, as those terms are defined in section 251; or

14 (2) The actor knowingly exposes the actor's genitals
under circumstances that, in fact, are likely to cause
16 affront or alarm;

18 STATEMENT OF FACT

20 This bill includes sexual contact in the definition of
prostitution to prohibit sexual contact for a pecuniary benefit.
22 This bill also expands the crime of indecent conduct to prohibit
sexual contact in a public place.