

# MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 893, L.D. 1296, Bill, "An Act To Provide for Victims of Trafficking"

Amend the bill by striking out the title and substituting the following:

'Resolve, To Create the Human Trafficking Task Force'

Further amend the bill by striking out everything after the title and inserting in its place the following:

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

Whereas, the Human Trafficking Task Force is necessary to propose appropriate criminal statutes and to develop methods for a coordinated approach to assisting victims of human trafficking; and

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; and

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

Sec. 1. Task force established. Resolved: That the Human Trafficking Task Force, referred to in this resolve as "the task force," is established; and be it further

COMMITTEE AMENDMENT

2           **Sec. 2. Task force membership. Resolved:** That the task force  
4 consists of 11 members appointed as follows:

6           1. One member of the Senate, appointed by the President of  
8 the Senate;

10           2. One member of the House of Representatives, appointed by  
12 the Speaker of the House;

14           3. The Attorney General, or the Attorney General's designee;

16           4. The Commissioner of Health and Human Services, or the  
18 commissioner's designee;

20           5. The Commissioner of Public Safety, or the commissioner's  
22 designee;

24           6. The Commissioner of Labor, or the commissioner's  
26 designee;

28           7. A representative of health care providers, appointed by  
30 the President of the Senate;

32           8. A representative of local law enforcement, appointed by  
34 the Speaker of the House;

36           9. A representative of social service agencies, appointed  
38 by the President of the Senate;

40           10. A representative of advocates for refugee and immigrant  
42 women, men and children, appointed by the Speaker of the House;  
44 and

46           11. A representative of providers of services and support  
48 for survivors of domestic violence and sexual assault, appointed  
by the President of the Senate; and be it further

**Sec. 3. Chairs. Resolved:** That the Senate member is the  
Senate chair of the task force and the House member is the House  
chair of the task force; and be it further

**Sec. 4. Appointments; convening of task force. Resolved:** That all  
appointments must be made no later than 30 days following the  
effective date of this resolve. The appointing authorities shall  
notify the Executive Director of the Legislative Council once all  
appointments have been completed. Within 15 days after  
appointment of all members and notification by the Executive

2 Director of the Legislative Council that sufficient funding has  
been received, the chairs shall call and convene the first  
meeting of the task force; and be it further

4  
6 **Sec. 5. Duties. Resolved:** That the task force shall study  
human trafficking and make recommendations to combat the  
trafficking of human beings across state borders and into the  
8 State for sexual and labor exploitation. The task force shall:

10 1. Review human trafficking laws and legislation in other  
jurisdictions;

12  
14 2. Recommend proposed statutory language that criminalizes  
the trafficking of women, men and children into the State from  
other countries. The proposed language must: protect from  
16 prosecution the women, men and children who have been trafficked  
into this State; prohibit the trafficker's assertion of the  
18 victim's consent as a defense; and hold responsible a landowner  
or employer who knew or should have known that trafficking was  
20 occurring on the premises over which the landowner or employer  
exerted control;

22  
24 3. Identify available federal, state and local programs  
that provide services to victims of trafficking that include, but  
are not limited to, health care, human services, housing,  
26 education assistance, job training preparation, interpreting  
services, English as a second language classes and immigration  
28 services;

30 4. Collect research and information on trafficking victims  
and evaluate state and local government approaches to increasing  
32 public awareness of the trafficking in persons;

34 5. Review antitrafficking legislation considered and  
enacted in other states such as Hawaii, Washington and Texas,  
36 including legislation designed to regulate "bride trafficking"  
and "international matchmaking organizations";

38  
40 6. Work with prosecutors and law enforcement officials to  
develop methodologies for data collection and strategies to  
42 reduce barriers faced by victims of trafficking who might seek  
assistance; and

44 7. Make recommendations on methods to provide a coordinated  
system of support to persons who are victims of trafficking; and  
46 be it further

48 **Sec. 6. Staff assistance. Resolved:** That the Legislative Council  
shall provide necessary staffing services to the task force; and  
50 be it further

2           **Sec. 7. Compensation. Resolved:** That the legislative members  
4 of the task force are entitled to receive the legislative per  
6 diem, as defined in the Maine Revised Statutes, Title 3, section  
8 2, and reimbursement for travel and other necessary expenses  
10 related to their attendance at authorized meetings of the task  
12 force. Public members not otherwise compensated by their  
employers or other entities that they represent are entitled to  
receive reimbursement of necessary expenses and, upon a  
demonstration of financial hardship, a per diem equal to the  
legislative per diem for their attendance at authorized meetings  
of the task force; and be it further

14           **Sec. 8. Report. Resolved:** That, no later than November 30,  
16 2006, the task force shall submit a report that includes its  
18 findings and recommendations, including suggested legislation,  
20 for presentation to the First Regular Session of the 123rd  
22 Legislature. The task force is authorized to introduce  
legislation related to its report to the First Regular Session of  
the 123rd Legislature at the time of submission of the report;  
and be it further

24           **Sec. 9. Extension. Resolved:** That, if the task force requires  
26 a limited extension of time to complete its study and make its  
report, it may apply to the Legislative Council, which may grant  
an extension; and be it further

28           **Sec. 10. Task force budget. Resolved:** That the task force shall  
30 seek outside funds to fully fund all costs of the task force. If  
32 sufficient outside funding has not been received by September 15,  
34 2006 to fully fund all costs of the task force, no meetings are  
36 authorized and no expenses of any kind may be incurred or  
38 reimbursed. Contributions to support the work of the task force  
40 may not be accepted from any party having a pecuniary or other  
42 vested interest in the outcome of the matters being studied. Any  
44 person, other than a state agency, desiring to make a financial  
46 or in-kind contribution must certify to the Legislative Council  
48 that it has no pecuniary or other vested interest in the outcome  
50 of the study. The certification must be made in the manner  
prescribed by the Legislative Council. All contributions are  
subject to approval by the Legislative Council. All funds  
accepted must be forwarded to the Executive Director of the  
Legislative Council along with an accounting record that includes  
the amount of the funds, the date the funds were received, from  
whom the funds were received and the purpose of and any  
limitation on the use of the funds. The Executive Director of  
the Legislative Council shall administer any funds received by  
the task force. The Executive Director of the Legislative  
Council shall notify the chairs of the task force when sufficient  
funding has been received. Within 10 days after

its first meeting, the task force shall present a work plan and proposed budget to the Legislative Council for its approval. The task force may not incur expenses that would result in the task force's exceeding its approved budget; and be it further

**Sec. 11. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

**LEGISLATURE**

**Study Commissions - Funding 0444**

Initiative: Provides an Other Special Revenue Funds allocation to the Legislature in the event outside funding is received for the Human Trafficking Task Force.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2005-06</b>	<b>2006-07</b>
Personal Services	\$0	\$440
All Other	\$0	\$2,200
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$2,640</b>

**Emergency clause.** In view of the emergency cited in the preamble, this resolve takes effect when approved.'

**SUMMARY**

This amendment replaces the bill with a resolve.

This amendment creates the Human Trafficking Task Force and directs it to propose criminal statutes. The task force will also review current programs and services for victims of human trafficking, collect research and information on trafficking victims and evaluate approaches to increasing public awareness, review legislation concerning "bride trafficking" and "international matchmaking organizations," address the reduction of barriers faced by victims of trafficking who may seek assistance and make recommendations on methods to provide a coordinated system of support to persons who are victims of trafficking.

The task force must seek outside funding.

The task force shall report no later than November 30, 2006 and may submit legislation.

**FISCAL NOTE REQUIRED**  
(See attached)



# 122nd MAINE LEGISLATURE

LD 1296

LR 1218(02)

## An Act To Provide for Victims of Trafficking

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Judiciary

Fiscal Note Required: Yes

### Fiscal Note

#### Current Costs - Legislative Study

	2005-06	2006-07	Projections 2007-08	Projections 2008-09
<b>Appropriations/Allocations</b>				
Other Special Revenue Funds	\$0	\$2,640	\$0	\$0
<b>Revenue</b>				
Other Special Revenue Funds	\$0	\$2,640	\$0	\$0

#### Legislative Study

The bill includes an Other Special Revenue Funds allocation to the Legislature in fiscal year 2006-07 in the amount of \$2,640 in the event outside funding is received to fully fund all costs of the Human Trafficking Task Force. The additional costs associated with providing staffing assistance to the task force during the interim between legislative sessions can be absorbed by the Legislature utilizing existing budgeted resources. If an extension of the reporting deadline is granted and the task force requires staffing assistance during the legislative session, the Legislature may require an additional General Fund appropriation to contract for staff services.

The additional costs associated with serving as a member of the task force can be absorbed by the Attorney General, the Department of Public Safety, the Department of Labor and the Department of Health and Human Services utilizing existing budgeted resources.