

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2014

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Legislative Document

No. 1730

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H.P. 1238

House of Representatives, January 16, 2014

### **An Act To Assist Victims of Human Trafficking**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Judiciary suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative VOLK of Scarborough.

Cosponsored by Representatives: CASAVANT of Biddeford, KAENRATH of South Portland, MARKS of Pittston, PEASE of Morrill, WILSON of Augusta, Senators: DUTREMBLE of York, MASON of Androscoggin, PLUMMER of Cumberland.

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

2 **Sec. 1. 5 MRSA §4702** is enacted to read:

3 **§4702. Trafficking Prevention and Intervention Fund**

4 **1. Creation of fund.** The Trafficking Prevention and Intervention Fund, referred to  
5 in this section as "the fund," is created to support state and local efforts to reduce human  
6 trafficking offenses, including sex trafficking. At least half the funds in the fund must be  
7 spent on prevention, including education programs for offenders, and rehabilitation  
8 services, such as mental health and substance abuse counseling, parenting skills training,  
9 housing relief, education, vocational training, drop-in centers and employment  
10 counseling, to help individuals transition out of the commercial sex industry.

11 **2. Administration.** The Victims' Compensation Board established in section  
12 12004-J, subsection 11 shall administer the fund. All costs of administering the fund  
13 must be paid out of funds deposited in the fund pursuant to subsection 3.

14 **3. Funding sources.** As part of the sentence or fine imposed, the court shall impose  
15 an assessment of \$1,000 on a person convicted of a crime under Title 17-A, section 852,  
16 853, 853-B or 855. Notwithstanding any other law, the court may not waive the  
17 imposition of the assessment required by this subsection. For purposes of collection and  
18 collection procedures, this assessment is considered part of the fine. At the time of  
19 commitment, the court shall inform the Department of Corrections or the county sheriff  
20 of any unpaid balances on assessments owed by the offender to the fund. All funds  
21 collected as a result of these assessments accrue to the fund.

22 **4. Additional funding sources.** The fund may receive private donations, federal  
23 funds and state funds designated by law, which must be used for the purposes listed in  
24 this section.

25 **5. Rules.** The Victims' Compensation Board established in section 12004-J,  
26 subsection 11 shall administer the fund and may adopt rules to carry out the purposes of  
27 this section. Rules adopted pursuant to this subsection are routine technical rules as  
28 defined in chapter 375, subchapter 2-A.

29 **Sec. 2. 15 MRSA §2161-B** is enacted to read:

30 **§2161-B. Petition for pardon by victim of human trafficking offense**

31 If a person is convicted of a crime and the person engaged in the conduct constituting  
32 the crime as a direct result of being a victim of a human trafficking offense as defined in  
33 Title 5, section 4701, subsection 1, paragraph C, the person may file a petition seeking a  
34 pardon immediately upon the imposition of the sentence, even if an appeal is taken. This  
35 section does not apply to a person whose conduct includes the use of deadly force as  
36 defined in Title 17-A, section 2, subsection 8, nondeadly force as defined in Title 17-A,  
37 section 2, subsection 18 or a dangerous weapon as defined in Title 17-A, section 2,  
38 subsection 9, paragraph A.

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**Sec. 3. 17-A MRSA §103-A, sub-§4** is enacted to read:

4. It is a defense that, when a person is charged with engaging in prostitution, the person was compelled to do so as described in section 852, subsection 2.

**SUMMARY**

This bill proposes to assist victims of human trafficking in 3 ways.

First, it creates a defense for a person charged with engaging in prostitution if the person proves that the person was compelled to do so as described in the law that describes aggravated sex trafficking.

Second, it creates the Trafficking Prevention and Intervention Fund to support state and local efforts to reduce human trafficking offenses, including sex trafficking. At least half the funds must be spent on prevention, including education programs for offenders, and rehabilitation services, such as mental health and substance abuse counseling, parenting skills training, housing relief, education, vocational training, drop-in centers and employment counseling, to help individuals transition out of the commercial sex industry. The Department of the Attorney General, Victims' Compensation Board is required to administer the fund. The fund is funded through an assessment imposed on persons convicted of certain sex crimes and may receive private donations and federal and state funds.

Third, it authorizes a person to file a petition seeking a pardon immediately upon the imposition of a sentence for a crime if the person engaged in the conduct constituting the crime as a direct result of being a victim of a human trafficking offense.