

MAINE STATE LEGISLATURE

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ROY ROHS

L.D. 1740

Date: 3/15/2018

(Filing No. S-385)

CRIMINAL JUSTICE AND PUBLIC SAFETY

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

128TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 639, L.D. 1740, Bill, "An Act To Establish the Crimes of Criminal Forced Labor and Aggravated Criminal Forced Labor in the Maine Criminal Code"

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

'An Act Regarding Criminal Forced Labor, Aggravated Criminal Forced Labor, Sex Trafficking and Human Trafficking'

Amend the bill by inserting after the enacting clause and before section 1 the following:

'Sec. 1. 5 MRSA §4701, sub-§1, ¶C, as repealed and replaced by PL 2013, c. 407, §1, is amended to read:

C. "Human trafficking offense" includes:

(1) Aggravated sex trafficking and sex trafficking under Title 17-A, sections 852 and 853, respectively, and criminal forced labor and aggravated criminal forced labor under Title 17-A, sections 304 and 305, respectively; and

(2) All offenses in Title 17-A, chapters 11, 12 and 13 if accompanied by the destruction, concealment, removal, confiscation or possession of any actual or purported passport or other immigration document or other actual or purported government identification document of the other person or done using any scheme, plan or pattern intended to cause the other person to believe that if that person does not perform certain labor or services, including prostitution, that the person or a 3rd person will be subject to a harm to their health, safety or immigration status.'

Amend the bill in section 1 in §304 by inserting at the end a new subsection to read:

'3. It is an affirmative defense to prosecution under this section that the person engaged in criminal forced labor because the person was compelled to do so as described in subsection 1.'

COMMITTEE AMENDMENT

ROFS

1 Amend the bill in section 1 in §305 by inserting at the end a new subsection to read:

2 '3. It is an affirmative defense to prosecution under this section that the person
3 engaged in aggravated criminal forced labor because the person was compelled to do so
4 as described in section 304, subsection 1.'

5 Amend the bill by inserting after section 1 the following:

6 **'Sec. 2. 17-A MRSA §853, sub-§3** is enacted to read:

7 3. It is an affirmative defense to prosecution under this section that the person
8 engaged in sex trafficking because the person was compelled to do so as described in
9 section 852, subsection 2.

10 **Sec. 3. 26 MRSA c. 7, sub-c. 12** is enacted to read:

11 **SUBCHAPTER 12**

12 **HUMAN TRAFFICKING AWARENESS SIGNS**

13 **§879. Human trafficking awareness signs**

14 1. Department provides public awareness signs. The Department of Labor shall
15 provide the Department of Transportation, the Maine Turnpike Authority and each
16 employer in the State that is a business or employer listed in subsection 3 with public
17 awareness signs that contain a telephone number for a national human trafficking hotline.

18 2. Departments posting public awareness signs. The Department of
19 Transportation and the Maine Turnpike Authority shall work cooperatively and shall post
20 and keep posted in a conspicuous manner in every transportation center and every
21 highway rest area and welcome center a public awareness sign provided by the
22 Department of Labor pursuant to subsection 1.

23 3. Businesses and employers posting public awareness signs. The following
24 businesses and employers shall post and keep posted in a conspicuous manner that is
25 clearly visible to the public and to employees within their businesses and places of
26 employment public awareness signs provided by the Department of Labor pursuant to
27 subsection 1:

28 A. A Department of Labor career center;

29 B. An office that provides services under the Governor's Jobs Initiative Program
30 under section 2031;

31 C. A hospital or facility providing emergency medical services that is licensed under
32 Title 22, section 1811;

33 D. An eating and lodging place licensed under Title 22, chapter 562;

34 E. An adult entertainment nightclub or bar, adult spa, establishment featuring
35 strippers or erotic dancers or other sexually oriented business;

36 F. A money transmitter licensed under Title 32, chapter 80, subchapter 1; and

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G. A check cashing business or foreign currency exchange business registered under Title 32, chapter 80, subchapter 2.

4. Penalty. A person who fails to post a sign as required by subsection 3 commits a civil violation for which a fine of \$300 per violation must be adjudged.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment changes the title of the bill and adds criminal forced labor and aggravated criminal forced labor to the definition of "human trafficking offense" in the law providing civil remedies for human trafficking. The amendment provides an affirmative defense to prosecution for a person who violates the criminal forced labor or aggravated criminal forced labor provision in the bill or the sex trafficking provision in current law that the violator was compelled to violate the provision. The amendment requires the Department of Labor to provide to the Department of Transportation, the Maine Turnpike Authority and certain businesses and employers signs that contain a telephone number for a national human trafficking hotline. The amendment requires that the Department of Transportation, the Maine Turnpike Authority and certain businesses and employers post the signs and provides a civil violation penalty of \$300 per violation against certain businesses and employers for failure to post the required signs.

FISCAL NOTE REQUIRED

(See attached)



Approved: 02/06/18 *MJC*

128th MAINE LEGISLATURE

LD 1740

LR 2547(02)

An Act To Establish the Crimes of Criminal Forced Labor and Aggravated Criminal Forced Labor in the Maine Criminal Code

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-385)
Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

Current biennium cost increase - General Fund
Minor revenue increase - General Fund
Minor cost increase - Highway Fund
Minor cost increase - Maine Turnpike Authority

Correctional and Judicial Impact Statements

Establishes new Class B and Class C crimes; increases correctional and judicial costs.

Increases the number of civil suits; the collection of additional filing fees may also increase General Fund revenue by minor amounts.

Establishes new civil violations; the collection of additional fines may also increase General Fund revenue by minor amounts.

Fiscal Detail and Notes

Additional costs to the Department of Labor to provide signs to the Department of Transportation, the Maine Turnpike Authority and certain businesses and employers can be absorbed within existing budgeted resources.

Additional costs to the Department of Transportation and the Maine Turnpike Authority associated with signage can be absorbed within existing budgeted resources.