MAINE STATE LEGISLATURE

The following document is provided by the LAW AND LEGISLATIVE DIGITAL LIBRARY at the Maine State Law and Legislative Reference Library http://legislature.maine.gov/lawlib



Reproduced from electronic originals (may include minor formatting differences from printed original)



128th MAINE LEGISLATURE

SECOND REGULAR SESSION-2018

Legislative Document

No. 1740

S.P. 639

In Senate, December 22, 2017

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

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

Received by the Secretary of the Senate on December 19, 2017. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed.

HEATHER J.R. PRIEST Secretary of the Senate

Heath Je Fruit

Presented by Senator VOLK of Cumberland. Cosponsored by Speaker GIDEON of Freeport and Representative: HERBIG of Belfast.

4 5	1. A person is guilty of criminal forced labor if the actor, without the legal right to do so, intentionally or knowingly:
6 7 8 9	A. Withholds or threatens to withhold a scheduled drug or alcohol from a person who is in a state of psychic or physical dependence, or both, arising from the use of the drug or alcohol on a continuing basis in order to compel that person to provide labor or services having economic value;
10 11 12	B. Withholds or threatens to withhold a substance or medication from a person who has a prescription or medical need for the substance or medication in order to compel that person to provide labor or services having economic value;
13 14 15	C. Uses a person's physical or mental impairment that has substantial adverse effects on that person's cognitive or volitional functions as a means to compel that person to provide labor or services having economic value;
16 17	D. Makes material false statements, misstatements or omissions in order to compel a person to provide labor or services having economic value;
18 19 20 21	E. Withholds, destroys or confiscates an actual or purported passport or other immigration document or other actual or purported government identification document in order to compel a person to provide labor or services having economic value;
22 23	F. Compels a person to provide labor or services having economic value to retire, repay or service an actual or purported debt if:
24 25	(1) The reasonable value of the labor or services is not applied toward the liquidation of the debt; or
26 27	(2) The length of labor or services is not limited and the nature of the labor or services is not defined; or
28 29 30	G. Uses force or engages in any scheme, plan or pattern to instill in a person a fear that, if that person does not provide labor or services having economic value, the actor or another person will:
31	(1) Cause physical injury to or death of a person;
32 33	(2) Cause destruction of or consequential damage to property, other than property of the actor;
34 35	(3) Engage in other conduct constituting a Class A, B or C crime or criminal restraint;
36 37	(4) Accuse a person of a crime or cause criminal charges or deportation proceedings to be instituted against a person;

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

§304. Criminal forced labor

Sec. 1. 17-A MRSA $\S\S304$ and 305 are enacted to read:

1

2

3

1 (5) Expose a secret or publicize an asserted fact, regardless of veracity, that 2 would subject a person, except the actor, to hatred, contempt or ridicule; 3 (6) Testify or provide information or withhold testimony or information 4 regarding a person's legal claim or defense; 5 (7) Use a position as a public servant to perform some act related to an official duty or fail or refuse to perform an official duty in a manner that affects a person; 6 7 8 (8) Perform any other act that would not in itself materially benefit the actor but 9 that is calculated to harm the person being compelled with respect to that person's 10 health, safety or immigration status. 11 **2.** Criminal forced labor is a Class C crime. 12 §305. Aggravated criminal forced labor 13 1. A person is guilty of aggravated criminal forced labor if the actor violates section 304 and the person compelled to provide labor or services having economic value has not 14 in fact attained 18 years of age. 15 16 **2.** Aggravated criminal forced labor is a Class B crime. 17 Sec. 2. Maine Revised Statutes headnote amended; revision clause. In the 18 Maine Revised Statutes, Title 17-A, chapter 13, in the chapter headnote, the words "kidnapping and criminal restraint" are amended to read "kidnapping, criminal restraint 19 and criminal forced labor" and the Revisor of Statutes shall implement this revision when 20 21 updating, publishing or republishing the statutes. 22 **SUMMARY** 23 This bill creates the crimes of criminal forced labor, a Class C crime, and aggravated 24 criminal forced labor, a Class B crime, under the Maine Criminal Code. It provides that a 25 person is guilty of criminal forced labor if the person, without the legal right to do so, 26 intentionally or knowingly compels another person to provide labor or services having economic value through certain coercive acts. A person is guilty of aggravated criminal 27 28 forced labor if the person compelled to provide labor or services has not in fact attained 29 18 years of age.