

MAINE STATE LEGISLATURE

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ROFS

L.D. 545

Date: 6/16/21

(Filing No. H-702)

Majority
JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 390, L.D. 545, "An Act To Combat the Sexual Exploitation of Minors in Maine"

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting the following:

Sec. 1. 17-A MRSA §855, sub-§1, as repealed and replaced by PL 2005, c. 444, §1, is repealed.

Sec. 2. 17-A MRSA §855, sub-§1-A is enacted to read:

1-A. A person is guilty of patronizing prostitution of a minor if the person, in return for another person's prostitution or agreement to engage in prostitution:

A. Gives or agrees to give a pecuniary benefit either to the person whose prostitution is sought or to a 3rd person and the person whose prostitution is sought has not in fact attained 18 years of age;

B. Gives or agrees to give a pecuniary benefit either to the person whose prostitution is sought or to a 3rd person and the person believes the person whose prostitution is sought is under 18 years of age;

C. Attempts to give or agree to give a pecuniary benefit and the person whose prostitution is sought has not in fact attained 18 years of age; or

D. Attempts to give or agree to give a pecuniary benefit and the person believes the person whose prostitution is sought is under 18 years of age.

Violation of this subsection is a Class B crime.

Sec. 3. 34-A MRSA §11273, sub-§14, ¶E, as enacted by PL 2011, c. 663, §3, is amended to read:

E. Former Title 17-A, section 855, subsection 1, paragraph A; and

Sec. 4. 34-A MRSA §11273, sub-§15, ¶C, as enacted by PL 2011, c. 663, §3, is amended to read:

COMMITTEE AMENDMENT

R.O.F.S

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C. Former Title 17-A, section 855, subsection 1, paragraph B; and'

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

SUMMARY

This amendment is the majority report of the committee. It replaces the bill and establishes as Class B crimes engaging a prostitute and attempting to engage a prostitute when the person whose prostitution is sought is in fact under 18 years of age or the person believes the person whose prostitution is sought is under 18 years of age.

FISCAL NOTE REQUIRED

(See attached)



130th MAINE LEGISLATURE

LD 545

LR 509(02)

An Act To Combat the Sexual Exploitation of Minors in Maine

Fiscal Note for Bill as Amended by Committee Amendment "A (H-702)

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Potential future biennium cost increase - General Fund

Correctional and Judicial Impact Statements

Establishes new Class B crimes; increases correctional and judicial costs

The additional workload associated with the minimal number of new felony cases filed in the court system does not require additional funding at this time.

The collection of additional fines may increase General Fund and other dedicated revenue by minor amounts.

Fiscal Detail and Notes

The bill establishes a Class B crime for patronizing prostitution of a minor, which is currently a Class C or D crime depending on certain circumstances. It is unclear how many additional individuals will be convicted of a Class B crime who otherwise would have been charged with Class C or D crimes. The current average cost of incarcerating an individual for a single year is \$55,203. The Department of Corrections has not indicated the need for additional funding at this time and no funding is included in the bill.

Additionally, elevating the class of this crime may increase costs to the Maine Commission on Indigent Legal Services. However, any additional cost is expected to be minor and can be absorbed within existing budgeted resources.