

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 545

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H.P. 390

House of Representatives, February 24, 2021

### **An Act To Combat the Sexual Exploitation of Minors in Maine**

(EMERGENCY)

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Received by the Clerk of the House on February 22, 2021. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative ANDREWS of Paris.  
Cosponsored by Senator DIAMOND of Cumberland and  
Representatives: ROBERTS of South Berwick, WARREN of Hallowell.

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

3           **Whereas,** minors in this State are the victims of sexual exploitation, sex trafficking,  
4 aggravated sex trafficking and prostitution; and

5           **Whereas,** the immediate passage of legislation to combat the sexual exploitation of  
6 minors is critical to strengthen the criminal justice system's response and human services  
7 response to child sexual exploitation, trafficking and prostitution; and

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

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

13           **Sec. 1. 17-A MRSA §852, sub-§1,** as amended by PL 2013, c. 407, §2, is further  
14 amended to read:

15           **1.** A person is guilty of aggravated sex trafficking if the person knowingly:

16           A. Promotes prostitution by compelling a person to enter into, engage in or remain in  
17 prostitution;

18           B. Promotes prostitution of a person less than 18 years ~~old~~ of age; ~~or~~

19           C. Promotes prostitution of a person who suffers from a mental disability that is  
20 reasonably apparent or known to the actor and that in fact renders the other person  
21 substantially incapable of appraising the nature of the conduct involved; ~~or~~

22           D. Engages in prostitution with a person less than 18 years of age or a person whom  
23 the actor believes to be less than 18 years of age or attempts to engage in prostitution  
24 with a person less than 18 years of age or a person whom the actor believes to be less  
25 than 18 years of age.

26           **Sec. 2. 22 MRSA §4002, sub-§1,** as amended by PL 2015, c. 360, §2, is further  
27 amended to read:

28           **1. Abuse or neglect.** "Abuse or neglect" means a threat to a child's health or welfare  
29 by physical, mental or emotional injury or impairment, sexual abuse ~~or exploitation~~  
30 ~~including under Title 17-A, sections 282, 852, 853 and 855,~~ deprivation of essential needs  
31 or lack of protection from these or failure to ensure compliance with school attendance  
32 requirements under Title 20-A, section 3272, subsection 2, paragraph B or section 5051-A,  
33 subsection 1, paragraph C, by a person responsible for the child, and sexual exploitation of  
34 a minor under Title 17-A, section 282, aggravated sex trafficking under Title 17-A, section  
35 852, sex trafficking under Title 17-A, section 853 and patronizing prostitution of a minor  
36 under Title 17-A, section 855, subsection 1.

37           **Sec. 3. 22 MRSA §4002, sub-§1-B, ¶A,** as amended by PL 2015, c. 360, §3, is  
38 further amended by amending subparagraph (1) to read:

39           (1) Rape, gross sexual misconduct, gross sexual assault, sexual abuse, incest,  
40 aggravated assault, kidnapping, ~~promotion of prostitution, sexual exploitation of a~~

1           ~~minor, sex trafficking or aggravated sex trafficking,~~ abandonment, torture, chronic  
2           abuse or any other treatment that is heinous or abhorrent to society.

3           **Sec. 4. 22 MRSA §4002, sub-§1-B**, as amended by PL 2015, c. 360, §3, is further  
4           amended by enacting at the end a new first blocked paragraph to read:

5           "Aggravating factor" includes, regardless of whether the actor has a familial relationship  
6           to the child, sexual exploitation of a minor under Title 17-A, section 282; promotion of  
7           prostitution as defined in Title 17-A, section 851, subsection 2, paragraph A; aggravated  
8           sex trafficking under Title 17-A, section 852; sex trafficking under Title 17-A, section 853;  
9           and patronizing prostitution of a minor under Title 17-A, section 855, subsection 1.

10          **Sec. 5. 22 MRSA §4004, sub-§1, ¶F**, as amended by PL 2017, c. 473, §2, is further  
11          amended to read:

12          F. Investigating suspicious child deaths. An investigation under this paragraph is  
13          subject to and may not interfere with the authority and responsibility of the Attorney  
14          General to investigate and prosecute homicides pursuant to Title 5, section 200-A; ~~and~~

15          **Sec. 6. 22 MRSA §4004, sub-§1, ¶G**, as enacted by PL 2017, c. 473, §3, is  
16          amended to read:

17          G. Requesting and receiving confidential criminal history record information, as  
18          defined by Title 16, section 703, subsection 2, from the Department of Public Safety  
19          and public criminal history record information, as defined by Title 16, section 703,  
20          subsection 8-; ~~and~~

21          **Sec. 7. 22 MRSA §4004, sub-§1, ¶H** is enacted to read:

22          H. Coordinating and providing care and services that are specialized to the needs of  
23          child victims of offenses under Title 17-A, sections 282, 852, 853 and 855.

24          **Sec. 8. 22 MRSA §4004, sub-§4** is enacted to read:

25          **4. Specialization.** In carrying out its duties under this section, the department shall  
26          ensure that any investigation and provision of care and services in cases related to offenses  
27          under Title 17-A, sections 282, 852, 853 and 855 are specialized to the needs of child  
28          victims.

29          **Sec. 9. 22 MRSA §4010-A, sub-§1, ¶C**, as enacted by PL 1989, c. 223, is amended  
30          to read:

31          C. The agency's course of action if allegations of abuse or neglect are made against  
32          the agency or its staff; ~~and~~

33          **Sec. 10. 22 MRSA §4010-A, sub-§1, ¶D**, as corrected by RR 2003, c. 2, §78, is  
34          amended to read:

35          D. The agency's grievance procedures for staff and for children and their parents or  
36          guardians regarding alleged abuse or neglect-; ~~and~~

37          **Sec. 11. 22 MRSA §4010-A, sub-§1, ¶E** is enacted to read:

38          E. Mechanisms to screen for and respond to child sex trafficking, including, but not  
39          limited to, offenses under Title 17-A, sections 282, 852, 853 and 855. These  
40          mechanisms must include policies on coordinating and ensuring the provision of

1 specialized services and trauma-informed care, including, but not limited to, mental  
2 health services, vocational and educational training and opportunities, legal services,  
3 appropriate housing and case management.

4 **Sec. 12. 22 MRSA §4019, sub-§6, ¶C**, as enacted by PL 2013, c. 364, §1, is  
5 amended to read:

6 C. Coordinate the activities of governmental entities relating to child sexual abuse and  
7 other child abuse and neglect investigations and delivery of services to victims of child  
8 sexual abuse and other child abuse and neglect and their families, including acting as  
9 the coordinator and provider of specialized services for child victims of sex trafficking.

10 **Emergency clause.** In view of the emergency cited in the preamble, this legislation  
11 takes effect when approved.

## 12 **SUMMARY**

13 The purpose of this bill is to strengthen the criminal justice system's and human  
14 services response to child sex trafficking. It increases the criminal penalty for engaging in  
15 prostitution or attempting to engage in prostitution with a person less than 18 years of age  
16 or a person believed by the actor to be less than 18 years of age. In the Child and Family  
17 Services and Child Protection Act, the bill adds to the definition of "abuse or neglect"  
18 sexual exploitation of a minor, aggravated sex trafficking, sex trafficking and patronizing  
19 prostitution of a minor and to the definition of "aggravating factor" promotion of  
20 prostitution, patronizing prostitution of a minor, sexual exploitation of a minor, sex  
21 trafficking and aggravated sex trafficking, regardless of whether the actor has a familial  
22 relationship to the child. The bill adds to the duties of the Department of Health and Human  
23 Services coordinating and providing care and services specialized to the needs of child  
24 victims of sexual exploitation and requires programs that provide services to have policies  
25 that screen for and respond to child sex trafficking. The bill requires the Department of  
26 Health and Human Services to ensure that investigation and provision of care and services  
27 in cases related to child sex trafficking are specialized to the needs of child victims. The  
28 bill adds to the duties of child advocacy centers, requiring a center to act as coordinator and  
29 provider of specialized services for child victims of sex trafficking.