

MAINE STATE LEGISLATURE

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GAC
ROS

L.D. 1592

Date: 6-15-21

(Filing No. H624)

MAJORITY

CRIMINAL JUSTICE AND PUBLIC SAFETY

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

COMMITTEE AMENDMENT "A" to H.P. 1181, L.D. 1592, "An Act To Decriminalize Engaging in Prostitution, Strengthen the Laws against Commercial Sexual Exploitation and Allow a Person Convicted of Engaging in Prostitution To Petition the Court To Expunge the Record of Conviction"

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

'An Act To Remove Punishments for Sex Selling and Decrease Demand by Increasing Penalties for Sex Buying'

Amend the bill in Part A in section 1 in the first indented paragraph in the 10th line (page 1, line 14 in L.D.) by striking out the following: "patronizing prostitution of a minor or patronizing prostitution of a mentally disabled person" and inserting the following: 'patronizing prostitution of a minor or patronizing prostitution of a mentally disabled person commercial sexual exploitation of a minor or commercial sexual exploitation of a person with a mental disability'

Amend the bill in Part A in section 2 in subsection 10 in the last line (page 1, line 25 in L.D.) by inserting after the following: "contact" the following: 'in return'

Amend the bill in Part A by striking out all of section 8 and inserting the following:

'Sec. A-8. 17-A MRSA §853, sub-§4 is enacted to read:

4. It is a defense to prosecution under this section that the act alleged to constitute sex trafficking consisted of the person publicly soliciting a patron to engage in prostitution only with the person.'

Amend the bill in Part A in section 11 in §855 in the first 2 lines (page 2, lines 23 and 24 in L.D.) by striking out the following: "~~or~~; patronizing prostitution of" and inserting the following: "or"

Amend the bill in Part A in section 11 in §855 in subsection 3 in the first line (page 2, line 35 in L.D.) by striking out the following: "patronizing prostitution" and inserting the following: 'patronizing prostitution commercial sexual exploitation'

COMMITTEE AMENDMENT

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1 Amend the bill by striking out all of Part B and inserting the following:

2 'PART B

3 Sec. B-1. 15 MRSA c. 313 is enacted to read:

4 CHAPTER 313

5 SEALING OF RECORDS

6 §2331. Sealing of records of crime of engaging in prostitution

7 1. Engaging in crime of prostitution. A person convicted of the crime of engaging
8 in prostitution in the State may petition the court in which the conviction was recorded to
9 seal the record of the conviction. The court shall order all records of the conviction sealed
10 if the convicted person has not been convicted of a violation of Title 17-A, section 262,
11 852 or 853 or former section 853-A and has no formal charging instrument pending in the
12 State for a violation of Title 17-A, section 262, 852 or 853.

13 2. State Bureau of Identification. Following receipt of a court order for sealing under
14 subsection 1, the Department of Public Safety, Bureau of State Police, State Bureau of
15 Identification shall make the necessary arrangements with the identification division of the
16 Federal Bureau of Investigation to have all references to the crime for which the records
17 have been sealed deleted from the Federal Bureau of Investigation's identification record
18 and any state materials returned to the contributing agency.'

19 Amend the bill by striking out all of Part C and inserting the following:

20 'PART C

21 **Sec. C-1. Working group to design pilot program.** The Department of
22 Corrections shall work with the Maine Coalition to End Domestic Violence in the design
23 of a pilot program to provide comprehensive services to survivors of commercial sexual
24 exploitation and victims of human trafficking through a working group headed by a
25 domestic violence resource center in Androscoggin County that will convene the working
26 group. The working group must include survivors of commercial sexual exploitation,
27 survivors of human trafficking, representatives of public and private agencies that provide
28 support and services to victims of commercial sexual exploitation and survivors of human
29 trafficking in Androscoggin County, prosecutors and members of law enforcement. The
30 working group shall design a pilot program to provide comprehensive services to survivors
31 of commercial sexual exploitation and victims of human trafficking that includes
32 collaboration agreements among participating agencies and organizations, mechanisms for
33 evaluating program success and, to the extent possible, public and private funding sources
34 and funding available under the federal Victims of Trafficking and Violence Protection Act
35 of 2000. The Department of Corrections shall submit a report from the working group,
36 including recommended legislation, by January 1, 2023, to the joint standing committee of
37 the Legislature having jurisdiction over criminal justice and public safety matters regarding
38 the work of the working group and the design of the pilot program. The joint standing
39 committee of the Legislature having jurisdiction over criminal justice and public safety
40 matters may submit legislation based upon the report to the First Regular Session of the
41 131st Legislature.'

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COMMITTEE AMENDMENT "A" to H.P. 1181, L.D. 1592

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

3 **SUMMARY**

4 This amendment is the majority report of the committee. The amendment clarifies
5 language on sex trafficking. The amendment changes the crime of patronizing prostitution
6 of a mentally disabled person to commercial sexual exploitation of a person with a mental
7 disability. The amendment changes the expungement of records of a conviction of
8 engaging in prostitution to the sealing of records. The amendment provides for a working
9 group to design a pilot program to provide comprehensive services to survivors of
10 commercial sexual exploitation and victims of human trafficking, requiring a report to the
11 joint standing committee of the Legislature having jurisdiction over criminal justice and
12 public safety matters and authorizing that committee to submit legislation to the First
13 Regular Session of the 131st Legislature.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



130th MAINE LEGISLATURE

LD 1592

LR 915(02)

An Act To Decriminalize Engaging in Prostitution, Strengthen the Laws against Commercial Sexual Exploitation and Allow a Person Convicted of Engaging in Prostitution To Petition the Court To Expunge the Record of Conviction

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

ACH-624

Fiscal Note

Minor cost increase - General Fund

Minor cost increase - Highway Fund

Minor cost increase - Maine Coalition to End Domestic Violence

Correctional and Judicial Impact Statements

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

Fiscal Detail and Notes

Additional costs to the Department of Public Safety associated with sealing of records can be absorbed within existing budgeted resources. Additional costs to the Department of Corrections to work with the Maine Coalition to End Domestic Violence are expected to be minor and can be absorbed within existing resources. Additional costs to the Maine Coalition to End Domestic Violence associated with this legislation are also expected to be minor.