

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

SECOND REGULAR SESSION-2022

Legislative Document

No. 1943

S.P. 684

In Senate, January 26, 2022

An Act To Expand the Address Confidentiality Program to Victims of Certain Human Trafficking Crimes

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator DIAMOND of Cumberland.

Cosponsored by Senators: BENNETT of Oxford, President JACKSON of Aroostook, KEIM of Oxford, TIMBERLAKE of Androscoggin, Representatives: DILLINGHAM of Oxford, Speaker FECTEAU of Biddeford, TALBOT ROSS of Portland, 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,** this legislation is necessary to protect victims of human trafficking and
4 minor victims of kidnapping immediately; and

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

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

10 **Sec. 1. 5 MRSA §90-B, sub-§1, ¶B,** as enacted by PL 2001, c. 539, §1, is amended
11 to read:

12 B. "Application assistant" means an employee of a state or local agency, or of a
13 nonprofit program that provides counseling, referral, shelter or other specialized
14 service to victims of domestic ~~abuse, rape~~ violence, sexual assault ~~or~~, stalking and or
15 human trafficking or to minor victims of kidnapping who has been designated by the
16 respective agency; and trained, accepted and registered by the secretary to assist
17 individuals in the completion of program participation applications.

18 **Sec. 2. 5 MRSA §90-B, sub-§2,** as corrected by RR 2001, c. 2, Pt. A, §4, is amended
19 to read:

20 **2. Program established.** The Address Confidentiality Program is established to
21 protect victims of domestic violence, ~~stalking or~~ sexual assault, stalking or human
22 trafficking and minor victims of kidnapping by authorizing the use of designated addresses
23 for such victims. The program is administered by the secretary under the following
24 application and certification procedures.

25 A. Upon recommendation of an application assistant, an adult person, a parent or
26 guardian acting on behalf of a minor or a guardian acting on behalf of an incapacitated
27 person may apply to the secretary to have a designated address assigned by the
28 secretary to serve as the person's address or the address of the minor or incapacitated
29 person.

30 B. The secretary may approve an application only if it is filed with the office of the
31 secretary in the manner established by rule and on a form prescribed by the secretary.
32 A completed application must contain:

33 (1) The application preparation date, the applicant's signature and the signature
34 and registration number of the application assistant who assisted the applicant in
35 applying to be a program participant;

36 (2) A designation of the secretary as agent for purposes of service of process and
37 for receipt of first-class mail;

38 (3) The mailing address where the applicant may be contacted by the secretary or
39 a designee and the telephone number or numbers where the applicant may be called
40 by the secretary or the secretary's designee; and

1 (4) One or more addresses that the applicant requests not be disclosed for the
2 reason that disclosure will jeopardize the applicant's safety or increase the risk of
3 violence to the applicant or members of the applicant's household.

4 C. Upon receipt of a properly completed application, the secretary may certify the
5 applicant as a program participant. A program participant is certified for 4 years
6 following the date of initial certification unless the certification is withdrawn or
7 invalidated before that date. The secretary shall send notification of lapsing
8 certification and a reapplication form to a program participant at least 4 weeks prior to
9 the expiration of the program participant's certification.

10 D. The secretary shall forward first-class mail to the appropriate program participants.

11 E. A person who violates this paragraph commits a Class E crime.

12 (1) An applicant may not file an application knowing that it:

13 (a) Contains false or incorrect information; or

14 (b) Falsely claims that disclosure of the applicant's address or mailing address
15 threatens the safety of the applicant or the applicant's children or the minor or
16 incapacitated person on whose behalf the application is made.

17 (2) An application assistant may not assist or participate in the filing of an
18 application that the application assistant knows:

19 (a) Contains false or incorrect information; or

20 (b) Falsely claims that disclosure of the applicant's address or mailing address
21 threatens the safety of the applicant or the applicant's children or the minor or
22 incapacitated person on whose behalf the application is made.

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

25 SUMMARY

26 This bill expands the Address Confidentiality Program to victims of human trafficking
27 and minor victims of kidnapping and standardizes the use of terms referring to domestic
28 violence and sexual assault.