

**mecasa**  
MAINE COALITION AGAINST  
SEXUAL ASSAULT

# MECASA Legislative Report

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128th Legislature  
Second Regular Session

# 2018 Legislative Session

During the second session of the 128th Legislature, MECASA staff worked on a wide range of bills. Summaries of the new laws which are most relevant to our work, as well as the complete public laws, can be found in the following pages. This session's highlight was the passage of LD 1740, "An Act To Establish the Crimes of Criminal Forced Labor and Aggravated Criminal Forced Labor in the Maine Criminal Code," sponsored by Senator Amy Volk. This law creates the new crimes of "forced labor" and "aggravated forced labor," and creates an affirmative defense for victims for these new crimes and the misdemeanor (non-compelled) version of sex trafficking.

As always, we are grateful to the sponsors of the bills we supported, to our statewide partners, and to legislative staff for their work to pass them. In particular, this year we want to thank: Preble Street, the Immigrant Legal Advocacy Project, the Criminal Law Advisory Commission, the Immigrant Resource Center of Maine, Pine Tree Legal Assistance, and the Maine Prosecutors' Association for their work on some of this session's more complex bills.

In an unusual turn of events, the Legislature adjourned for the session without having finished its work. Before they adjourned, they voted to carry over all of their remaining bills to a special session which convened in late summer. During the special session, they addressed one of our priority bills sponsored by House Speaker Sara Gideon (LD 1788). This bill included fixes to the statute which provides housing protections for victims of sexual violence. It also expanded the types of conduct for which a victim could seek a Protection from Abuse or Protection from Harassment order. Also addressed in the special session was a bill which would require annual in-person sexual harassment training for legislators and lobbyists (LD 1842). Both bills were ultimately passed.

If you have questions about any of the bills featured in this report, please feel free to contact us at [info@mecasa.org](mailto:info@mecasa.org) or 207-626-0034.



Special thanks to the Maine Women's Fund for helping to support our legislative work. Thanks to the Office of Policy and Legal Analysis for providing the bill summaries contained in this report.

# 2018 Bills Passed

## **Public Law 336**

**LD 1728** An Act To Amend Maine Criminal Code Sentencing Provisions Relating To Increased Sentencing Class Based on Multiple Prior Convictions for Certain Violent or Sexual Crimes

**Sponsored by Senator Vitelli**

### **Enacted Law Summary**

Public Law 2017, chapter 336 amends sentencing provisions under the Maine Criminal Code to include crimes involving sexual exploitation of minors, sex trafficking, prostitution and public indecency among the list of crimes for which the sentencing class is elevated based on multiple prior convictions or for which a prior conviction may serve to elevate the sentencing class of certain other crimes.

## **Public Law 354**

**LD 1813** An Act To Protect Children under 14 Years of Age from Being Photographed by Certain Persons

**Sponsored by Representative Pouliot**

### **Enacted Law Summary**

Public Law 2017, chapter 354 adds a definition of "indirect contact" to the Maine Revised Statutes, Title 17-A, section 261 and applies that definition to prohibit a person from photographing another person under 14 years of age if the person has been convicted of a sexual assault against or sexual exploitation of another person under 14 years of age and the person has been notified, in writing or otherwise, not to engage in this conduct by a law enforcement officer, corrections officer or judicial officer. The notification expires after one year.

## **Public Law 377**

**LD 1795** An Act To Amend the Maine Criminal Code and Related Statutes as Recommended by the Criminal Law Advisory Commission

**Sponsored by Senator Chenette**

### **Enacted Law Summary**

Among others, public Law 2017, chapter 377 makes the following corrections to the criminal laws. Public Law 2017, chapter 300 created a new version of the crime of gross sexual assault, specifically, engaging in a sexual act with another person when that other person has not expressly or impliedly acquiesced to the sexual act. The law neglected to create a corresponding registration provision for the newly defined variant of gross sexual assault.

This law designates gross sexual assault based on lack of acquiescence to the sexual act as a Tier II offense under the Sex Offender Registration and Notification Act of 2013. The registration obligation applies to conduct committed on or after April 11, 2018. Public Law 2017, chapter 377 was enacted as an emergency measure effective April 11, 2018.

## **Public Law 386**

**LD 1705** An Act To Strengthen Crime Victims' Rights

**Sponsored by Representative Herbig**

### **Enacted Law Summary**

Public Law 2017, chapter 386 specifies that the victim of a crime who so wishes must be notified of the defendant's escape from the jail or from the institution for the care and treatment of persons with mental illness to which the defendant is committed by the Commissioner of Health and Human Services or residential treatment program to which the defendant is committed by the Commissioner of Health and Human Services.

## **Public Law 393**

**LD 1877** An Act To Expand and Clarify the Areas Subject to Municipal Residency Restrictions for Sex Offenders

**Sponsored by Representative Martin**

### **Enacted Law Summary**

Public Law 2017, chapter 393 expands the area from which a sex offender may be excluded by enactment of a municipal ordinance to include 750 feet from a municipally owned or state-owned park, athletic field or recreational facility that is open to the public where children are the primary users, even if that property is not leased to a nonprofit organization. When the Maine Revised Statutes, Title 30-A, section 3014, subsection 2, paragraph B was amended in 2013, the legislation inadvertently omitted the ability of a municipality, by ordinance, to prohibit a sex offender from residing within 750 feet of property comprising a municipally owned or state-owned park, athletic field or recreational facility that is open to the public where children are the primary users; the exclusion was permitted only if that municipally owned or state-owned property was leased to a nonprofit organization.

## **Public Law 397**

**LD 1838** An Act To Include in the Crime of Harassment by Telephone or by Electronic Communication Device the Distribution of Certain Photographic Images and Videos

**Sponsored by Senator Carpenter**

### **Enacted Law Summary**

Public Law 2017, chapter 397 establishes new variants of the crime of harassment by telephone or by electronic communication device. The law prohibits using a telephone or electronic communication device, with the intent to cause affront or alarm or for the purpose of

## **Public Law 397, cont.**

arousing or gratifying sexual desire, to send an image or video of a sexual act or of the actor's or another person's genitals if the person called or contacted is under 14 years of age, is 14 or 15 years of age when the actor is at least five years older or suffers from a mental disability that is reasonably apparent or known to the actor. The law designates these new variants of harassment by telephone or electronic communication device as Class D crimes.

The law also prohibits using a telephone or by electronic communication device to send an image or video of a sexual act or the actor's or another person's genitals without the consent of the person called or contacted after the person called or contacted has notified the actor, in writing or otherwise, that the person does not consent to receiving such images or videos. The law designates this new variant of harassment by telephone or by electronic communication device as a Class E crime.

## **Public Law 416**

**LD 1740** An Act Regarding Criminal Forced Labor, Aggravated Criminal Forced Labor, Sex Trafficking and Human Trafficking

**Sponsored by Senator Volk**

### **Enacted Law Summary**

Public Law 2017, chapter 416 creates the crimes of criminal forced labor, a Class C crime, and aggravated criminal forced labor, a Class B crime, under the Maine Criminal Code. It provides that a person is guilty of criminal forced labor if the person, without the legal right to do so, 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 forced labor if the person compelled to provide labor or services has not in fact attained 18 years of age. The law adds criminal forced labor and aggravated criminal forced labor to the definition of "human trafficking offense" in the law providing civil remedies for human trafficking. The law provides an affirmative defense to prosecution for a person who violates the laws on criminal forced labor, aggravated criminal forced labor or sex trafficking that the violator was compelled to violate those laws. The law requires the Department of Labor to provide to the Department of Transportation, the Maine Turnpike Authority and certain businesses and employers signs that contain a telephone number for a national human trafficking hotline. The law requires that the Department of Transportation, the Maine Turnpike Authority and certain businesses and employers post the signs and provides a civil violation penalty of \$300 per violation against certain businesses and employers for failure to post the required signs.

## **Public Law 443**

**LD 1842** An Act To Require Education and Training Regarding Harassment for Legislators, Legislative Staff and Lobbyists

**Sponsored by Senator Libby**

### **Enacted Law Summary**

Public Law chapter 443 requires Legislators, legislative staff and lobbyists to attend and complete a course of in-person education and training regarding harassment, including sexual harassment, at the beginning of each regular session of the Legislature. It requires the Legislative Council to develop and implement the course. It requires that lobbyists submit certification of completion of harassment training to the Maine Commission on Governmental Ethics and Election Practices at the time of registration; directs the commission to reject registrations that do not include the training certification; and authorizes the commission to exempt lobbyists with a very limited physical presence in the State House complex from the training requirement.

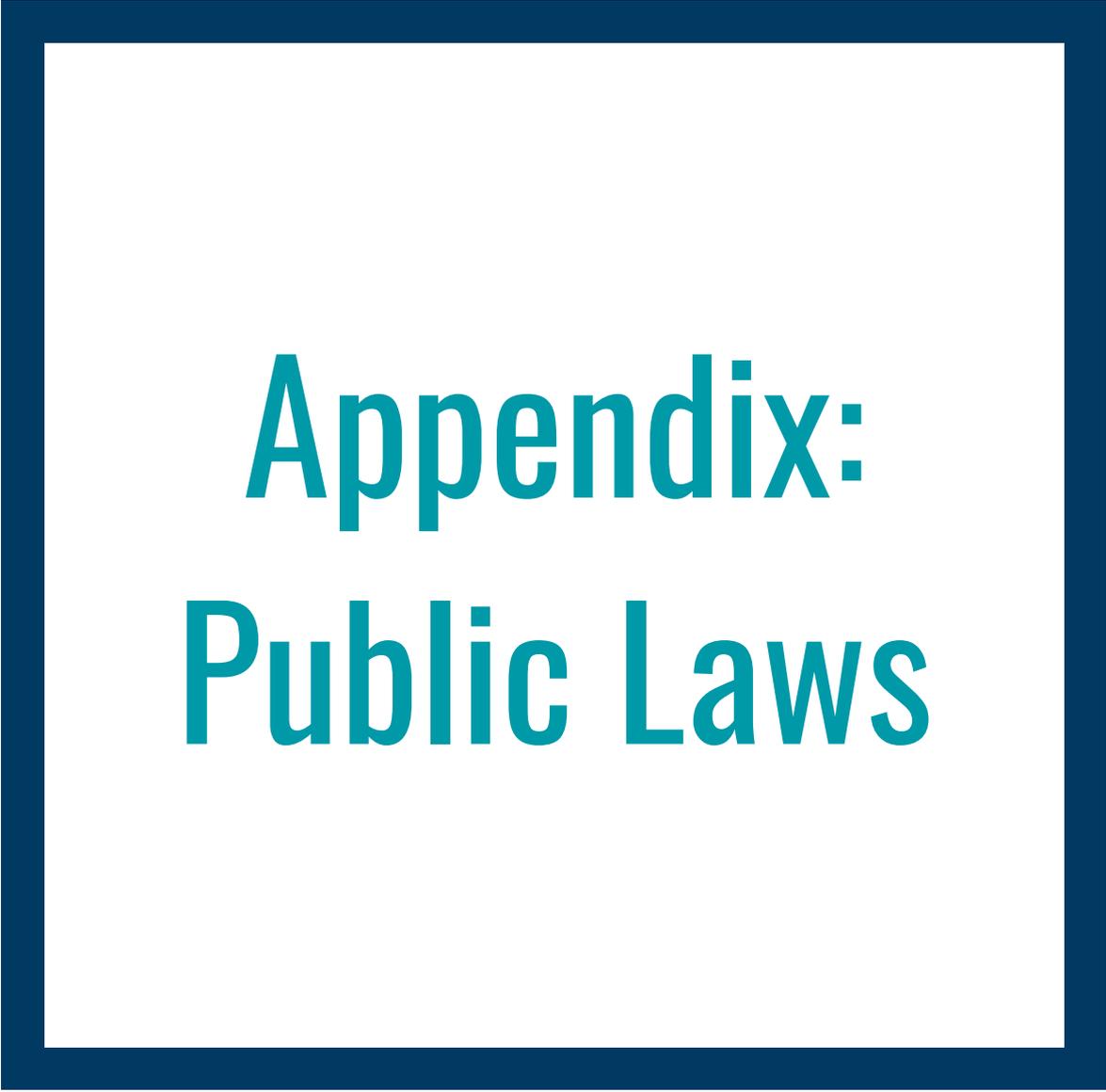
## **Public Law 455**

**LD 1788** An Act To Enhance Safety for Victims of Sexual Assault and Stalking and To Amend the Laws Governing Harassment and Protection from Abuse

**Sponsored by Senator Volk**

### **Enacted Law Summary**

Public Law 2017, chapter 455 adds violations that may form the basis of the issuance of a protection from abuse order to protect a minor and amends the law governing remedies available to tenants who are victims of domestic violence, sexual assault or stalking by expanding the forms of acceptable documentation that may be provided to landlords to include copies of police reports prepared in response to investigations of sexual assault or stalking and copies of criminal complaints, indictments or convictions for charges of sexual assault or stalking. Chapter 455 updates the categories of conduct leading to a protection from harassment order to include the expanded crime of harassment by telephone or electronic communication device. Chapter 455 ensures that harassment by telephone or electronic communication device as described in Public Law 2017, chapter 397 (LD 1838, Criminal Justice and Public Safety Committee) is conduct that can be subject to protection from harassment orders and protection from abuse orders.



# **Appendix: Public Laws**

STATE OF MAINE

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IN THE YEAR OF OUR LORD  
TWO THOUSAND AND EIGHTEEN

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S.P. 627 - L.D. 1728

**An Act To Amend Maine Criminal Code Sentencing Provisions Relating To  
Increased Sentencing Class Based on Multiple Prior Convictions for Certain  
Violent or Sexual Crimes**

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

**Sec. 1. 17-A MRS §1252, sub-§4-A**, as amended by PL 2015, c. 470, §13, is further amended to read:

**4-A.** If the State pleads and proves that, at the time any crime, excluding murder, under chapter 9, 11, 12, 13 or 27 or 35, excluding section 853-A; section 402-A, subsection 1, paragraph A; or section 752-A or 752-C was committed, or an attempt of any such crime was committed, the defendant had 2 or more prior convictions under chapter 9, 11, 12, 13 or 27 or 35, excluding section 853-A; section 402-A, subsection 1, paragraph A; or section 752-A or 752-C, or for an attempt of any such crime, or for engaging in substantially similar conduct in another jurisdiction, the sentencing class for the crime is one class higher than it would otherwise be. In the case of a Class A crime, the sentencing class is not increased, but the prior record must be given serious consideration by the court when imposing a sentence. Section 9-A governs the use of prior convictions when determining a sentence, except that, for the purposes of this subsection, for violations under chapter 11, the dates of prior convictions may have occurred at any time. This subsection does not apply to section 210-A if the prior convictions have already served to enhance the sentencing class under section 210-A, subsection 1, paragraph C or any other offense in which prior convictions have already served to enhance the sentencing class.

STATE OF MAINE

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IN THE YEAR OF OUR LORD  
TWO THOUSAND AND EIGHTEEN

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H.P. 1258 - L.D. 1813

**An Act To Protect Children under 14 Years of Age from Being Photographed  
by Certain Persons**

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

**Sec. 1. 17-A MRSA §261, sub-§5** is enacted to read:

5. For purposes of this section, "indirect contact" includes, but is not limited to, a person photographing another person who has not in fact attained 14 years of age after the person's having been notified, in writing or otherwise, by a law enforcement officer, corrections officer or judicial officer not to engage in that conduct. The notification not to engage in that conduct expires one year after the date the notification is given. For purposes of this subsection, "photographing" means making, capturing, generating or saving a print, negative, slide, motion picture, computer data file, videotape or other mechanically, electronically or chemically reproduced visual image or material.

STATE OF MAINE

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IN THE YEAR OF OUR LORD  
TWO THOUSAND AND EIGHTEEN

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H.P. 1239 - L.D. 1795

**An Act To Amend the Maine Criminal Code and Related Statutes as  
Recommended by the Criminal Law Advisory Commission**

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

**Whereas,** laws were enacted by the 128th Legislature that inadvertently omitted a cross-reference to the Maine Rules of Evidence in the law on service of process on foreign entities that are providers of electronic communication service and providers of remote computing service; repealed the option of prosecuting possession of up to 2 1/2 ounces of marijuana by persons under 18 years of age as a civil violation; and neglected to amend the Sex Offender Registration and Notification Act of 2013 to include a registration obligation for the new crime of gross sexual assault based on lack of acquiescence; and

**Whereas,** timely correction of these errors and omissions is necessary to the proper administration of the criminal laws; and

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

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

**Sec. 1. 15 MRSA §56, sub-§2, ¶C,** as enacted by PL 2017, c. 144, §3, is amended to read:

C. A foreign entity provider shall verify the authenticity of records that it produces by providing an affidavit that complies with the requirements set forth in the Maine Rules of Evidence, Rule 902(11) if the foreign entity that is the provider of services is governed by the laws of another state and that complies with the requirements set forth in the Maine Rules of Evidence, Rule 902(12) if the foreign entity that is the provider of services is governed by the laws of a foreign country. Admissibility of

these records in a court in this State is governed by the Maine Rules of Evidence, Rule 803(6).

**Sec. 2. 15 MRSA §3314, sub-§1, ¶G**, as amended by PL 2009, c. 93, §12, is further amended to read:

G. Except for a violation of section 3103, subsection 1, paragraph H, the court may impose a fine, subject to Title 17-A, sections 1301 to 1304, except that there is no mandatory minimum fine amount. For the purpose of this section, juvenile offenses defined in section 3103, subsection 1, paragraphs B and C are ~~deemed Class E crimes~~ subject to a fine of up to \$1,000.

**Sec. 3. 22 MRSA §2383, sub-§1-A**, as enacted by PL 2017, c. 1, §20, is amended to read:

**1-A. Marijuana possession by a person under 21 years of age.** Except for possession of marijuana for medical use pursuant to chapter 558-C, a person who is under 21 years of age may not possess marijuana. A person who is ~~18, 19 or 20~~ under 21 years of age who possesses a usable amount of marijuana commits a civil violation for which a fine of not less than \$350 and not more than \$600 must be adjudged for possession of up to 1 1/4 ounces of marijuana and a fine of not less than \$700 and not more than \$1,000 must be adjudged for possession of over 1 1/4 ounces to 2 1/2 ounces of marijuana, none of which may be suspended. For the purposes of this section, marijuana has the same meaning as in Title 17-A, section 1101, subsection 1.

**Sec. 4. 34-A MRSA §11273, sub-§15, ¶A**, as amended by PL 2017, c. 65, §2, is further amended to read:

A. Title 17-A, chapter 11 including the following:

(1) Title 17-A, section 253, subsection 2, paragraph J, regardless of the age of the victim;

(1-A) Title 17-A, section 253, subsection 2, paragraph F, regardless of the age of the victim if the crime is committed on or after October 1, 2017;

(2) Title 17-A, section 253, subsection 2, paragraph K, regardless of the age of the victim;

(3) Title 17-A, section 253, subsection 2, paragraph L, regardless of the age of the victim;

(3-A) Title 17-A, section 253, subsection 2, paragraph M, regardless of the age of the victim, if the crime is committed on or after the effective date of this subparagraph;

(4) Title 17-A, section 255-A, subsection 1, paragraph J, regardless of the age of the victim;

(4-A) Title 17-A, section 255-A, subsection 1, paragraph L, regardless of the age of the victim if the crime is committed on or after October 1, 2017;

(5) Title 17-A, section 255-A, subsection 1, paragraph R-1, regardless of the age of the victim;

(6) Title 17-A, section 255-A, subsection 1, paragraph R-2, regardless of the age of the victim; and

(7) Title 17-A, section 258, subsection 1-A, if the victim had not attained 12 years of age;

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

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND EIGHTEEN

H.P. 1185 - L.D. 1705

An Act To Strengthen Crime Victims' Rights

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

**Sec. 1. 17-A MRSA §1175**, as amended by PL 2017, c. 128, §§1 to 3, is further amended to read:

**§1175. Notification of defendant's release or escape**

Upon complying with subsection 1, a victim of a crime of murder or of a Class A, Class B or Class C crime or of a Class D crime under chapters 9, 11 and 12 for which the defendant is committed to the Department of Corrections or to a county jail or is committed to the custody of the Commissioner of Health and Human Services either under Title 15, section 103 after having been found not criminally responsible by reason of insanity or under Title 15, section 101-D after having been found incompetent to stand trial must receive notice of the defendant's unconditional release and discharge from institutional confinement upon the expiration of the sentence or upon release from commitment under Title 15, section 101-D or upon discharge under Title 15, section 104-A ~~and~~; must receive notice of any conditional release of the defendant from institutional confinement, including probation, supervised release for sex offenders, parole, furlough, work release, funeral or deathbed visit, supervised community confinement, home release monitoring or similar program, administrative release or release under Title 15, section 104-A; and must receive notice of the defendant's escape from the Department of Corrections, the custody of the Commissioner of Health and Human Services or the county jail to which the defendant is committed. For purposes of this section, "victim" also includes a person who has obtained under Title 19-A, section 4007 an active ~~protective~~ protection order or approved consent agreement against the defendant.

1. A victim who wishes to receive notification must file a request for notification of the defendant's release or escape with the office of the attorney for the State. The attorney for the State shall forward this request form to the Department of Corrections, to the state mental health institute or to the county jail to which that defendant is committed. Notwithstanding this subsection, a victim who wishes to receive notification regarding a

defendant who is committed to the Department of Corrections may file a request for notification of the defendant's release or escape directly with the Department of Corrections.

2. The Department of Corrections, the state mental health institute or the county jail to which the defendant is committed shall keep the victim's written request in the file of the defendant and shall notify the victim by mail of any impending release as soon as the release date is set or, if the defendant has escaped, by the quickest means reasonably practicable. This notice must be mailed to the address provided in the request or any subsequent address provided by the victim.

3. ~~The~~ If the defendant is being released, the notice required by this section must contain:

A. The name of the defendant;

B. The nature of the release authorized, whether it is a conditional release, including probation, supervised release for sex offenders, parole, furlough, work release, funeral or deathbed visit, supervised community confinement, home release monitoring or a similar program, administrative release or release under Title 15, section 104-A, or an unconditional release and discharge upon release from commitment under Title 15, section 101-D or upon the expiration of a sentence or upon discharge under Title 15, section 104-A;

C. The anticipated date of the defendant's release from institutional confinement and any date on which the defendant must return to institutional confinement, if applicable;

D. The geographic area to which the defendant's release is limited, if any;

E. The address at which the defendant will reside; and

F. The address at which the defendant will work, if applicable.

3-A. If the defendant has escaped, the notice required by this section must contain the name of the defendant, the manner of the escape, the place from which the defendant escaped and the date of the escape.

4. The notice requirement under this section ends when:

A. Notice has been provided of an unconditional release or discharge upon the expiration of the sentence or upon release under Title 15, section 101-D or upon discharge under Title 15, section 104-A; or

B. The victim has filed a written request with the Department of Corrections, the state mental health institute or the county jail to which the defendant is committed asking that no further notice be given.

5. Neither the failure to perform the requirements of this chapter nor compliance with this chapter subjects the attorney for the State, the Commissioner of Corrections, the Department of Corrections, the Commissioner of Health and Human Services, the state mental health institute institution for the care and treatment of persons with mental illness to which the defendant is committed by the Commissioner of Health and Human Services

or the residential program that provides care and treatment for persons who have intellectual disabilities or autism to which the defendant is committed by the Commissioner of Health and Human Services or the county jail or the employees or officers of the attorney for the State, the Commissioner of Corrections, the Department of Corrections, the Commissioner of Health and Human Services, the ~~state mental health institute~~ institution for the care and treatment of persons with mental illness to which the defendant is committed by the Commissioner of Health and Human Services or the residential program that provides care and treatment for persons who have intellectual disabilities or autism to which the defendant is committed by the Commissioner of Health and Human Services or the county jail to liability in a civil action.

STATE OF MAINE

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IN THE YEAR OF OUR LORD  
TWO THOUSAND AND EIGHTEEN

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H.P. 1309 - L.D. 1877

**An Act To Expand and Clarify the Areas Subject to Municipal Residency  
Restrictions for Sex Offenders**

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

**Sec. 1. 30-A MRSA §3014, sub-§2, ¶B**, as amended by PL 2013, c. 161, §1, is repealed and the following enacted in its place:

B. A municipality may prohibit residence by a sex offender up to a maximum distance of 750 feet surrounding the real property comprising:

- (1) A public or private elementary, middle or secondary school;
- (2) A municipally owned or state-owned park, athletic field or recreational facility that is open to the public where children are the primary users; or
- (3) A municipally owned or state-owned property leased to a nonprofit organization for purposes of a park, athletic field or recreational facility that is open to the public where children are the primary users.

STATE OF MAINE

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IN THE YEAR OF OUR LORD  
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S.P. 690 - L.D. 1838

**An Act To Include in the Crime of Harassment by Telephone or by  
Electronic Communication Device the Distribution of Certain Photographic  
Images and Videos**

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

**Sec. 1. 17-A MRS §506**, as amended by PL 2011, c. 464, §14 and affected by §30, is further amended to read:

**§506. Harassment by telephone or by electronic communication device**

**1.** A person is guilty of harassment by telephone or by electronic communication device if:

A. By means of telephone or electronic communication device the person makes any comment, request, suggestion or proposal that is, in fact, offensively coarse or obscene, without the consent of the person called or contacted. Violation of this paragraph is a Class E crime;

A-1. By means of telephone or electronic communication device the person, with the intent to cause affront or alarm or for the purpose of arousing or gratifying sexual desire, sends an image or video of a sexual act as defined in section 251, subsection 1, paragraph C or of the actor's or another person's genitals and:

(1) The person called or contacted is in fact under 14 years of age;

(2) The person called or contacted is in fact 14 or 15 years of age and the actor is at least 5 years older than the person called or contacted; or

(3) The person called or contacted suffers from a mental disability that is reasonably apparent or known to the actor.

Violation of this paragraph is a Class D crime;

A-2. By means of telephone or electronic communication device the person sends an image or a video of a sexual act as defined in section 251, subsection 1, paragraph C or of the actor's or another person's genitals without the consent of the person called

or contacted after the person called or contacted has notified the actor, in writing or otherwise, that the person does not consent to receiving such images or videos. Violation of this paragraph is a Class E crime;

B. The person makes a telephone call or makes a call or contact by means of an electronic communication device, whether or not oral or written conversation ensues, without disclosing the person's identity and with the intent to annoy, abuse, threaten or harass any person at the called or contacted number or account. Violation of this paragraph is a Class E crime;

C. The person makes or causes the telephone or electronic communication device of another repeatedly or continuously to ring or activate or receive data, with the intent to harass any person at the called or contacted number or account. Violation of this paragraph is a Class E crime;

D. The person makes repeated telephone calls or repeated calls or contacts by means of an electronic communication device, during which oral or written conversation ensues, with the intent to harass any person at the called or contacted number or account. Violation of this paragraph is a Class E crime; or

E. The person knowingly permits any telephone or electronic communication device under the person's control to be used for any purpose prohibited by this section. Violation of this paragraph is a Class E crime.

2. The crime defined in this section may be prosecuted and punished in the county in which the defendant was located when the defendant used the telephone or electronic communication device, or in the county in which the telephone called or made to ring or the electronic communication device called or made to ring or be activated or receive data by the defendant was located.

2-A. As used in this section, "electronic communication device" means any electronic or digital product that communicates at a distance by electronic transmission impulses or by fiber optics, including any software capable of sending and receiving communication, allowing a person to electronically engage in the conduct prohibited under this section.

~~3. Harassment by telephone or by electronic communication device is a Class E crime.~~

STATE OF MAINE

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IN THE YEAR OF OUR LORD  
TWO THOUSAND AND EIGHTEEN

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S.P. 639 - L.D. 1740

**An Act Regarding Criminal Forced Labor, Aggravated Criminal Forced Labor, Sex Trafficking and Human Trafficking**

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

**Sec. 1. 5 MRSA §4701, sub-§1, ¶C**, as repealed and replaced by PL 2013, c. 407, §1, is amended to read:

C. "Human trafficking offense" includes:

(1) Aggravated sex trafficking and sex trafficking under Title 17-A, sections 852 and 853, respectively, and criminal forced labor and aggravated criminal forced labor under Title 17-A, sections 304 and 305, respectively; and

(2) All offenses in Title 17-A, chapters 11, 12 and 13 if accompanied by the destruction, concealment, removal, confiscation or possession of any actual or purported passport or other immigration document or other actual or purported government identification document of the other person or done using any scheme, plan or pattern intended to cause the other person to believe that if that person does not perform certain labor or services, including prostitution, that the person or a 3rd person will be subject to a harm to their health, safety or immigration status.

**Sec. 2. 17-A MRSA §§304 and 305** are enacted to read:

**§304. Criminal forced labor**

**1. A person is guilty of criminal forced labor if the actor, without the legal right to do so, intentionally or knowingly:**

**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;**

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;

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;

D. Makes material false statements, misstatements or omissions in order to compel a person to provide labor or services having economic value;

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;

F. Compels a person to provide labor or services having economic value to retire, repay or service an actual or purported debt if:

(1) The reasonable value of the labor or services is not applied toward the liquidation of the debt; or

(2) The length of labor or services is not limited and the nature of the labor or services is not defined; or

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:

(1) Cause physical injury to or death of a person;

(2) Cause destruction of or consequential damage to property, other than property of the actor;

(3) Engage in other conduct constituting a Class A, B or C crime or criminal restraint;

(4) Accuse a person of a crime or cause criminal charges or deportation proceedings to be instituted against a person;

(5) Expose a secret or publicize an asserted fact, regardless of veracity, that would subject a person, except the actor, to hatred, contempt or ridicule;

(6) Testify or provide information or withhold testimony or information regarding a person's legal claim or defense;

(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;  
or

(8) Perform any other act that would not in itself materially benefit the actor but that is calculated to harm the person being compelled with respect to that person's health, safety or immigration status.

2. Criminal forced labor is a Class C crime.

3. It is an affirmative defense to prosecution under this section that the person engaged in criminal forced labor because the person was compelled to do so as described in subsection 1.

**§305. Aggravated criminal forced labor**

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 in fact attained 18 years of age.

2. Aggravated criminal forced labor is a Class B crime.

3. It is an affirmative defense to prosecution under this section that the person engaged in aggravated criminal forced labor because the person was compelled to do so as described in section 304, subsection 1.

**Sec. 3. 17-A MRSA §853, sub-§3** is enacted to read:

3. It is an affirmative defense to prosecution under this section that the person engaged in sex trafficking because the person was compelled to do so as described in section 852, subsection 2.

**Sec. 4. 26 MRSA c. 7, sub-c. 12** is enacted to read:

**SUBCHAPTER 12**

**HUMAN TRAFFICKING AWARENESS SIGNS**

**§879. Human trafficking awareness signs**

1. Department provides public awareness signs. The Department of Labor shall provide the Department of Transportation, the Maine Turnpike Authority and each employer in the State that is a business or employer listed in subsection 3 with public awareness signs that contain a telephone number for a national human trafficking hotline.

2. Departments posting public awareness signs. The Department of Transportation and the Maine Turnpike Authority shall work cooperatively and shall post and keep posted in a conspicuous manner in every transportation center and every highway rest area and welcome center a public awareness sign provided by the Department of Labor pursuant to subsection 1.

3. Businesses and employers posting public awareness signs. The following businesses and employers shall post and keep posted in a conspicuous manner that is clearly visible to the public and to employees within their businesses and places of employment public awareness signs provided by the Department of Labor pursuant to subsection 1:

A. A Department of Labor career center;

B. An office that provides services under the Governor's Jobs Initiative Program under section 2031;

C. A hospital or facility providing emergency medical services that is licensed under Title 22, section 1811;

D. An eating and lodging place licensed under Title 22, chapter 562;

E. An adult entertainment nightclub or bar, adult spa, establishment featuring strippers or erotic dancers or other sexually oriented business;

F. A money transmitter licensed under Title 32, chapter 80, subchapter 1; and

G. A check cashing business or foreign currency exchange business registered under Title 32, chapter 80, subchapter 2.

**4. Penalty.** A person who fails to post a sign as required by subsection 3 commits a civil violation for which a fine of \$300 per violation must be adjudged.

**Sec. 5. Maine Revised Statutes headnote amended; revision clause.** In the 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 and criminal forced labor" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND AND EIGHTEEN

—  
S.P. 695 - L.D. 1842

**An Act To Require Education and Training Regarding Harassment for  
Legislators, Legislative Staff and Lobbyists**

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

**Sec. 1. 3 MRSA §170-B** is enacted to read:

**§170-B. Required training regarding harassment**

All Legislators, legislative staff and lobbyists shall attend and complete a course of in-person education and training regarding harassment, including sexual harassment, at the beginning of each regular session of the Legislature. The Legislative Council shall develop and implement this course of education and training. For the purpose of this section, "lobbyist" has the same meaning as in section 312-A, subsection 10.

**Sec. 2. 3 MRSA §312-B** is enacted to read:

**§312-B. Required training regarding harassment**

A lobbyist shall complete the training required under section 170-B, retain proof of completion of the training for 2 years following completion and certify completion of that training to the commission at the time of registration under section 313. If completion of the required training prior to registration is not possible due to circumstances that are beyond a lobbyist's control, the commission may provide a limited extension to that lobbyist for completion of the training. If a lobbyist has a very limited physical presence in the State House and the Burton M. Cross Building, the commission may exempt the lobbyist from the requirements of this section.

**Sec. 3. 3 MRSA §316, sub-§4-C**, as enacted by PL 2007, c. 630, §12, is amended to read:

**4-C. Website of employer.** The address for the employer's publicly accessible website; and

**Sec. 4. 3 MRSA §316, sub-§4-D** is enacted to read:

**4-D. Date of completion of required harassment training.** The date that the lobbyist completed the training required under section 170-B; and

**Sec. 5. 3 MRSA §321, sub-§9** is enacted to read:

**9. Reject registrations.** The commission shall reject registrations that do not include certification of completion of training required under section 170-B.

**Sec. 6. Appropriations and allocations.** The following appropriations and allocations are made.

**LEGISLATURE**

**Legislature 0081**

Initiative: Appropriates funds for the contracting and related costs of providing harassment training for lobbyists.

<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
All Other	\$0	\$2,650
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$2,650</b>

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND EIGHTEEN

H.P. 1235 - L.D. 1788

**An Act To Enhance Safety for Victims of Sexual Assault and Stalking and To Amend the Laws Governing Harassment and Protection from Abuse**

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

**Sec. 1. 5 MRSA §4651, sub-§2, ¶C**, as repealed and replaced by PL 2017, c. 288, Pt. A, §4, is amended to read:

C. A single act or course of conduct constituting a violation of section 4681; Title 17, section 2931; or Title 17-A, section 201, 202, 203, 204, 207, 208, 209, 210, 210-A, 211, 253, 254, 255-A, 256, 258, 259-A, 259-B, 260, 261, 282, 283, 301, 302, 303, 506, 506-A, 511, 511-A, 556, 802, 805, 806, 852 or 853.

**Sec. 2. 5 MRSA §4653, sub-§1, ¶B**, as enacted by PL 2011, c. 559, Pt. C, §3, is amended to read:

B. If the alleged harassment does not meet the definition in section 4651, subsection 2, paragraph C or is not related to an allegation of domestic violence, violence against a dating partner, sexual assault or, stalking or harassment as described in Title 17-A, section 506, subsection 1, paragraph A-1 or A-2, a copy of a notice to stop harassing the plaintiff issued to the defendant pursuant to Title 17-A, section 506-A, subsection 1, paragraph A, subparagraph (1), division (a) or a statement of good cause why such a notice was not sought or obtained.

**Sec. 3. 14 MRSA §6001, sub-§6, ¶H**, as enacted by PL 2015, c. 293, §5, is amended to read:

H. When a victim asserts any of the provisions contained within this chapter specifically available to a victim, except for changing locks according to section 6025, subsection 1, a victim shall provide to the landlord documentation of the alleged conduct by the perpetrator, including the perpetrator's name. Acceptable documentation includes, but is not limited to:

(1) A statement signed by a Maine-based sexual assault counselor as defined in Title 16, section 53-A, subsection 1, paragraph B, an advocate as defined in Title

16, section 53-B, subsection 1, paragraph A or a victim witness advocate as defined in Title 16, section 53-C, subsection 1, paragraph C;

(2) A statement signed by a health care provider, mental health care provider or law enforcement officer, including the license number of the health care provider, mental health care provider or law enforcement officer if licensed;

(3) A copy of a protection from abuse complaint or a temporary order or final order of protection;

(4) A copy of a protection from harassment complaint or a temporary order or final order of protection from harassment;

(5) A copy of a police report prepared in response to an investigation of an incident of domestic violence, sexual assault or stalking; and

(6) A copy of a criminal complaint, indictment or conviction for a domestic violence, sexual assault or stalking charge.

**Sec. 4. 19-A MRSA §4005, sub-§1**, as amended by PL 2015, c. 443, §11, is further amended to read:

**1. Filing.** An adult who has been abused by a family or household member or a dating partner may seek relief by filing a complaint alleging that abuse.

When a minor child in the care or custody of a family or household member or a dating partner has been abused by a family or household member or a dating partner, a person responsible for the child, as defined in Title 22, section 4002, subsection 9, or a representative of the department may seek relief by filing a petition alleging that abuse.

An adult who has been a victim of conduct defined as stalking in Title 17-A, section 210-A or described as sexual assault in Title 17-A, chapter 11 or described as unauthorized dissemination of certain private images in Title 17-A, section 511-A or described as aggravated sex trafficking or sex trafficking in Title 17-A, section 852 or 853, respectively, whether or not the conduct was perpetrated by a family or household member or dating partner, may seek relief by filing a complaint alleging that conduct without regard to whether criminal prosecution has occurred. When a minor has been a victim of such conduct or conduct described in Title 17-A, section 282 or 283 or harassment as described in Title 17-A, section 506, subsection 1, paragraph A-1 or A-2, the minor's parent, other person responsible for the child or a representative of the department may seek relief by filing a petition alleging that conduct.

When an adult who is 60 years of age or older or a dependent adult, as defined in Title 22, section 3472, subsection 6, or an incapacitated adult, as defined in Title 22, section 3472, subsection 10, has been the victim of abuse as defined in section 4002, subsection 1 or Title 22, section 3472, subsection 1 by an extended family member or an unpaid care provider, the adult victim, the adult victim's legal guardian or a representative of the department may seek relief by filing a complaint alleging the abusive conduct. For the purposes of this subsection, "extended family member" includes, but is not limited to: a person who is related to the victim by blood, marriage or adoption, whether or not the person resides or has ever resided with the victim. "Unpaid care provider" includes, but is not limited to, a caretaker who voluntarily provides full, intermittent or occasional

personal care to the adult victim in the victim's home similar to the way a family member would provide personal care.