

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND EIGHTEEN

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Sec. 1. 5 MRSA §4701, sub-§1, ¶C, as repealed and replaced by PL 2013, c. 407, §1, is amended to read: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