

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-TWO

—
S.P. 684 - L.D. 1943

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

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

Whereas, this legislation is necessary to protect victims of human trafficking and minor victims of kidnapping immediately; 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. 5 MRSA §90-B, sub-§1, ¶B, as enacted by PL 2001, c. 539, §1, is amended to read:

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

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

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

A. Upon recommendation of an application assistant, an adult person, a parent or guardian acting on behalf of a minor or a guardian acting on behalf of an incapacitated

person may apply to the secretary to have a designated address assigned by the secretary to serve as the person's address or the address of the minor or incapacitated person.

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

- (1) The application preparation date, the applicant's signature and the signature and registration number of the application assistant who assisted the applicant in applying to be a program participant;
- (2) A designation of the secretary as agent for purposes of service of process and for receipt of first-class mail;
- (3) The mailing address where the applicant may be contacted by the secretary or a designee and the telephone number or numbers where the applicant may be called by the secretary or the secretary's designee; and
- (4) One or more addresses that the applicant requests not be disclosed for the reason that disclosure will jeopardize the applicant's safety or increase the risk of violence to the applicant or members of the applicant's household.

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

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

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

- (1) An applicant may not file an application knowing that it:
 - (a) Contains false or incorrect information; or
 - (b) Falsely claims that disclosure of the applicant's address or mailing address threatens the safety of the applicant or the applicant's children or the minor or incapacitated person on whose behalf the application is made.
- (2) An application assistant may not assist or participate in the filing of an application that the application assistant knows:
 - (a) Contains false or incorrect information; or
 - (b) Falsely claims that disclosure of the applicant's address or mailing address threatens the safety of the applicant or the applicant's children or the minor or incapacitated person on whose behalf the application is made.

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