1	L.D. 1740
2	Date: (Filing No. S- )
3	CRIMINAL JUSTICE AND PUBLIC SAFETY
4	Reproduced and distributed under the direction of the Secretary of the Senate.
5	STATE OF MAINE
6	SENATE
7	128TH LEGISLATURE
8	SECOND REGULAR SESSION
9 10 11	COMMITTEE AMENDMENT "" to S.P. 639, L.D. 1740, Bill, "An Act To Establish the Crimes of Criminal Forced Labor and Aggravated Criminal Forced Labor in the Maine Criminal Code"
12	Amend the bill by striking out the title and substituting the following:
13 14	'An Act Regarding Criminal Forced Labor, Aggravated Criminal Forced Labor, Sex Trafficking and Human Trafficking'
15 16	Amend the bill by inserting after the enacting clause and before section 1 the following:
17 18	'Sec. 1. 5 MRSA §4701, sub-§1, ¶C, as repealed and replaced by PL 2013, c. 407, §1, is amended to read:
19	C. "Human trafficking offense" includes:
20 21 22	(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
23 24 25 26 27 28 29 30	(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.'
31	Amend the bill in section 1 in §304 by inserting at the end a new subsection to read:
32 33 34	'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.'

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## **COMMITTEE AMENDMENT**

	COMMITTEE AMENDMENT " " to S.P. 639, L.D. 1740
1	Amend the bill in section 1 in §305 by inserting at the end a new subsection to read:
2 3 4	'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.'
5	Amend the bill by inserting after section 1 the following:
6	'Sec. 2. 17-A MRSA §853, sub-§3 is enacted to read:
7 8 9	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.
10	Sec. 3. 26 MRSA c. 7, sub-c. 12 is enacted to read:
11	SUBCHAPTER 12
12	HUMAN TRAFFICKING AWARENESS SIGNS
13	<u>§879. Human trafficking awareness signs</u>
14 15 16 17	<b>1. Department provides public awareness signs.</b> 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.
18 19 20 21 22	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.
23 24 25 26 27	<b>3.</b> 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:
28	A. A Department of Labor career center;
29 30	B. An office that provides services under the Governor's Jobs Initiative Program under section 2031;
31 32	C. A hospital or facility providing emergency medical services that is licensed under <u>Title 22, section 1811;</u>
33	D. An eating and lodging place licensed under Title 22, chapter 562;
34 35	E. An adult entertainment nightclub or bar, adult spa, establishment featuring strippers or erotic dancers or other sexually oriented business;
36	F. A money transmitter licensed under Title 32, chapter 80, subchapter 1; and

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1 2	<u>G.</u> A check cashing business or foreign currency exchange business registered under <u>Title 32, chapter 80, subchapter 2.</u>
3 4	<b>4. Penalty.</b> 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.'
5 6	Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.
7	SUMMARY
8	This amendment changes the title of the bill and adds criminal forced labor and
9	aggravated criminal forced labor to the definition of "human trafficking offense" in the
10	law providing civil remedies for human trafficking. The amendment provides an
11	affirmative defense to prosecution for a person who violates the criminal forced labor or
12	aggravated criminal forced labor provision in the bill or the sex trafficking provision in
13	current law that the violator was compelled to violate the provision. The amendment
14	requires the Department of Labor to provide to the Department of Transportation, the
15	Maine Turnpike Authority and certain businesses and employers signs that contain a
16	telephone number for a national human trafficking hotline. The amendment requires that
17	the Department of Transportation, the Maine Turnpike Authority and certain businesses
18	and employers post the signs and provides a civil violation penalty of \$300 per violation
19	against certain businesses and employers for failure to post the required signs.
20	FISCAL NOTE REQUIRED
21	(See attached)

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