



April 11, 2023

Senator Carney, Rep. Moonen, and honorable members of the Joint Standing Committee on the Judiciary:

My name is Osgood, I use they/them pronouns, and I am the Executive Director of Portland Outright, which has been representing and advocating for Maine's LGBTQ+ youth since 1988. I am testifying today on behalf of **Portland Outright**, **MaineTransNet**, and **Equality Maine** in opposition to LD 1435, due to fundamental issues with the framework laid out in the bill and in favor of a future stronger decriminalization bill that supports the safety and interests of community members engaged in commercial sex work.

Our organizations represent the collective interests of queer and transgender people across Maine, young and old, united around a vision of safety and justice for our communities. In considering our testimony for this bill, we looked at the issue in a number of ways:

**The decriminalization of sex work is a healthcare justice and access issue which can allow sex workers to protect their own health.** Sex workers often go without medical care out of fear of arrest or poor treatment by medical staff if it comes out that they are a sex worker. Because the law doesn't treat sex work like a real job, sex workers do not have access to employer-based health insurance, which means that many cannot afford care. This also specifically puts workers at risk of contracting HIV and other sexually transmitted diseases. Criminalizing queer sex workers only serves to continue the lethal legacy of the 1980's AIDS crisis, which likewise criminalized LGBTQ+ bodies, sex, and queer communities.

**Decriminalization of sex work protects worker rights and safety, while reducing risk of harm to sex workers from clients and interactions with the criminal legal system.** This shift would help sex workers access health care, lower the risk of violence from clients, reduce mass incarceration, and advance equality in the LGBTQ+ community, especially for trans women of color, who are often profiled and harassed whether or not we are actually sex workers. When sex work is decriminalized, workers can more easily seek support and responses to harm, making resources more open and available. Creating an environment where purchasing or selling sex is criminalized poses significant risk for the workers. Under current conditions, clients know they can rob, assault, or even murder a sex worker because the sex worker does not have access to the same protections from the law. Partial decriminalization poses additional threats where clients may still endanger workers to avoid arrest.

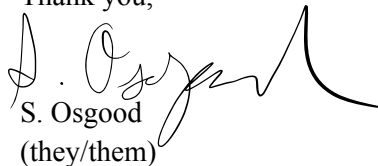
We believe and support survivors of sexual exploitation and human trafficking, which also deeply impacts vulnerable members of our community. Sex workers deserve safety, rights, and dignity and are less likely to be in exploitative situations when decriminalization happens. By moving away from a "one-size-fits-all" approach and detangling responses to exploitation or coercion; and toward policies for consensual, informed sex work we can build better, stronger resources and safety for all.

**Decriminalization advances equality for the LGBTQ+ community.** Sex work criminalization laws disproportionately impact LGBTQ+ communities because members of the community — particularly LGBTQ+ people of color, LGBTQ+ immigrants, and transgender people — are more likely to be sex

workers. Locally, 13 percent of trans Mainers have participated in sex work or survival sex.<sup>1</sup> The criminalization of sex work dramatically decreases incomes, which further marginalizes members of the trans community, people of color, or those with low incomes to begin with. As organizations by and for LGBTQ+ people, we know that our work, our history, and our futures exist because of the leadership of sex workers. Historic champions of LGBTQ+ justice and equality like Sylvia Rivera and Marsha P. Johnson who were present at the birth of the modern LGBTQ+ rights movement, as well as the leadership of landmark LGBTQ+ organizations like the Gay Liberation Front, supported their activism with paid sex work. The fight for LGBTQ+ rights was and is inseparable from the fight for sex workers' rights.

As prominent voices for the modern LGBTQ+ rights movement in Maine, we urge you not to pass this bill in favor of the creation of a more comprehensive, true decriminalization effort that includes the leadership of sex workers.

Thank you,

  
S. Osgood  
(they/them)

On behalf of the leadership and constituents of:  
Portland Outright  
MaineTransNet  
Equality Maine

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<sup>1</sup> Maine Transgender Community Survey, 2021

S. Osgood  
Portland Outright  
LD 1435

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