



STATE OF MAINE
SEX OFFENDER MANAGEMENT AND RISK
ASSESSMENT ADVISORY COMMISSION

Kent Avery, Chair
Adam Silberman, Secretary-Treasurer
Shira Burns
Elizabeth Coleman
Amanda Doherty, ex-officio
Melissa Martin
Matthew Ruel

April 19, 2023

Re: L.D. 1435 – An Act to Reduce Commercial Sexual Exploitation

Senator Carney, Representative Moonen and members of the Joint Standing Committee on Judiciary:

I am writing on behalf of the Sex Offender Management and Risk Assessment Advisory Commission, neither for nor against LD 1435, but to provide additional information regarding the bill.

Committee members should be aware that the term “sexual exploitation” is already being used in Maine sex offense statutes. Specifically, Title 17-A M.R.S.A., Chapter 12, is named “Sexual Exploitation of Minors,” *See* 17-A M.R.S.A. §281-285. Also, there is a sex offense within Chapter 12 entitled “Sexual exploitation of minor.” *See* 17-A M.R.S.A. §282. There are also several other uses of the term throughout Maine statutes in other contexts, that may be impacted by this bill. The commission suggests that the committee and/or the Revisor’s Office look carefully at the terms that are used to identify offenses to address legal implications and potential confusion if the same terms are used in multiple statutes and contexts.

Although the commission takes no position on whether the subject offense should be a Class D or Class C offense, committee members should be aware that elevating the offense from Class D to Class C also elevates the SORNA Tier from Tier I (10 year registration) to Tier II (25 year registration). Finally, the committee should know that there is no need to amend SORNA of 1999 since the statute at issue was enacted in 2017 and does not implicate SORNA of 1999. SORNA of 2013 also needs no amendment based on this bill because registerable sex offenses in SORNA of 2013 are grouped by Class and not specifically enumerated by statute number.

The commission is happy to assist the committee or the sponsor in drafting language for this bill and will be available for any work sessions.

Kent Avery
Chair, Sex Offender Management and Risk Assessment Advisory Commission