

Testimony of the Criminal Law Advisory Commission
LD 2168, An Act to Increase Accountability for Persons Engaged in Commercial Sexual
Exploitation and Human Trafficking and to Support Victims

TO: Senator Anne Carney
Representative Amy Kuhn
Joint Standing Committee on Judiciary

FR: Criminal Law Advisory Commission (CLAC)
c/o Laura Yustak, Chair

RE: LD 2168

DA: February 2, 2026

The Criminal Law Advisory Commission (CLAC)* respectfully submits the following testimony in opposition to LD 2168.

CLAC notes first that four of the five crimes identified in the bill for enhanced assessments are already subject to additional assessments pursuant to the 5 M.R.S. § 3360-I, the statute that sets out funding sources for the Victims Compensation Fund. The additional assessments currently in statute are as follows: section 852--\$6000; section 853--\$3000; section 853-B--\$1000/\$2000; section 855--\$1000/\$2000). <https://legislature.maine.gov/legis/statutes/5/title5sec3360-I.html>

CLAC is opposed to imposing additional assessments on convicted defendants, or for creating further precedent for treating individual crimes differently and inconsistently. We also note that the bill provides for a waiver of the additional assessment, which is not available for the assessments currently imposed pursuant to section 3360-I, which again would create a precedent for certain assessments to be treated differently (i.e., subject to waiver).

Drafting Note: Any additional assessments imposed on convicted defendants should be listed in 17-A MRS § 1757, which compiles a list of surcharges and assessments imposed on convictions but codified outside the Criminal Code.

*CLAC is an advisory body established by the Legislature. 17-A M.R.S. §§ 1351-1357. It consists of 9 members appointed by the Attorney General. Current members include defense attorneys, prosecutors, Maine Bar Counsel, and a retired practitioner with experience as defense counsel, prosecutor and in court administration. In addition, three sitting judges and one retired practitioner, appointed by the Chief Justice of the Supreme Judicial Court, and, by statute, the Co-Chairs of the Legislature's Committee on Criminal Justice and Public Safety, serve as consultants. The Supreme Judicial Court's Criminal Process Manager serves as liaison from the Court to CLAC. CLAC advises the Legislature on matters relating to crimes in the Criminal Code and in other Titles, the Bail and Juvenile Codes, and with respect to other statutes related to criminal justice processes.