



# Maine Women's Lobby

February 9, 2026

Senator Carney, Representative Kuhn, and members of the Joint Standing Committee on the Judiciary: I am writing today on behalf of the Maine Women's Lobby to testify **in opposition to LD 2168, An Act to Increase Accountability for Persons Engaged in Commercial Sexual Exploitation and Human Trafficking and to Support Victims**

Many of you know that prior to my role at the Maine Women's Lobby, I spent more than a decade at the Maine Coalition Against Sexual Assault. In that role, I worked extensively on issues related to sexual violence, commercial sexual exploitation, and human trafficking, including staffing the Attorney General's Human Trafficking Work Group, overseeing Maine's only statewide study on human trafficking, and coordinating the Sex Trafficking and Exploitation Network Provider Council. I continue to approach this issue from a harm-reduction and survivor-centered perspective.

LD 2168 would require courts to impose financial assessments on individuals convicted of engaging a person for prostitution, sex trafficking, aggravated sex trafficking, or the commercial sexual exploitation of a child, minor, or person with a mental disability, with those funds directed to the Victims' Compensation Fund. While we strongly support sustainable funding for survivor services, we have significant concerns about the policy mechanism used in this bill and its likely downstream effects.

**First, while this bill is clearly well intentioned, its approach is likely to increase risk rather than reduce it.**

Buyer-focused financial penalties assume that the individuals purchasing sex will absorb increased legal and financial consequences. Evidence from other jurisdictions, as well as from service providers working directly with impacted populations, shows that this assumption does not hold, at least not over time. Instead, increased pressure on buyers tends to be transferred to people doing sexual labor through reduced screening, increased urgency, and pressure to operate in more isolated or less visible settings. This dynamic affects not only people engaged in consensual adult sex work, but also people experiencing trafficking, who become more difficult to identify and reach when the market adapts in response to enforcement pressure.

These policies may initially appear effective based on short-term indicators such as reduced visibility or enforcement data, but longer-term evaluations consistently show that risk increases as markets adapt. This is not a matter of intent, but of predictable structural outcomes.

**Second, this bill does not adequately distinguish between adult consensual sex work and crimes involving people who cannot consent.**

Sex trafficking and the commercial sexual exploitation of children or people with significant cognitive or intellectual disabilities involve inherent coercion and exploitation, and our laws rightly treat them as such. The Maine Women's Lobby fully supports strong, focused legal frameworks to address these crimes.

However, adult consensual sex work is a distinct issue that requires a different legal and policy response. When these realities are collapsed into a single framework, it becomes more difficult to accurately identify exploitation, allocate resources effectively, and support survivor disclosure. Survivor-centered systems depend on clarity, precision, and the ability to distinguish between consent and coercion.

**Third, Maine is already operating under a recently enacted, compromise-based legal framework that has not yet been evaluated.**

Maine's current approach reflects a negotiated balance between enforcement priorities and rights- and health-based considerations which is unique. That framework has not been fully implemented or assessed for effectiveness or unintended consequences. Introducing additional penalties at this stage risks destabilizing an already complex system before we understand whether it is meeting its stated goals. Part of the negotiation in 2023 was specifically not adding penalties as this bill does, and it's too soon to know if we should.

Evidence-based policymaking requires time, data, and evaluation. Layering new enforcement mechanisms onto an untested framework makes that evaluation more difficult, not more effective.

The Maine Women's Lobby shares the goal of reducing exploitation and supporting survivors. Our concern is that LD 2168 relies on a mechanism that has repeatedly failed to deliver those outcomes in other contexts, while increasing risk for the very people it is intended to protect.

For these reasons, we urge the Committee to vote ought not to pass LD 2168 and to prioritize careful evaluation of Maine's existing framework.

Thank you for your time and consideration.

Respectfully submitted,  
Destie Hohman Sprague  
Executive Director  
Maine Women's Lobby

1 United States Department of State, Trafficking in Persons Report (2014), <http://www.state.gov/j/tip/rls/tiprpt/2014/index.htm>

2 Rikspolisstyrelsen, "människohandel för sexuella och andra ändamål," RPs Rapport, (2014): 8

3 "attacks on prostitutes soar after vice 'driven underground' by law," The Scotsman, april 16, 2008, <https://www.scotsman.com/news/attacks-prostitutes-soar-after-vice-driven-underground-law-2511658>

4 World Health Organization. Implementing Comprehensive HIV/STI Programmes with Sex Workers: Practical Approaches from Collaborative Interventions. Geneva, Switzerland: World Health Organization; 2013:24. [http://apps.who.int/iris/bitstream/10665/90000/1/9789241506182\\_eng.pdf?ua=1](http://apps.who.int/iris/bitstream/10665/90000/1/9789241506182_eng.pdf?ua=1).

# Keeping Sex Work Safe: Reading and References

Compiled by the Maine Women's Lobby, 2023

In Maine, our long history of collaboration and partnership means that allies have been reluctant to “choose sides” in the national debate on this issue, and have instead prioritized finding solutions we can all support. Still, there is a significant national and international debate about sex work and how to best approach it, and there are Mainers on both sides. These can be broadly summed up as:

- **“End Demand” approaches**, which focus on criminalizing buyers to end or reduce sex work and trafficking, with an underlying emphasis that all sex work is inherently exploitative.
- **“Sex workers’ rights” approaches**, which believe that sex work can happen without exploitation or coercion, and sex workers deserve safety, rights, and dignity, and that sex trafficking and exploitation is a separate but important issue.

## Glossary of Terms ~

- **Sex work:** Sex work is any type of labor where the explicit goal is to produce a sexual or erotic response in the client. Sex work includes prostitution, but it also includes other labor such as erotic dancing, webcam work, sensual massage, adult film, or phone sex.
- **Sex workers:** Individuals who receive compensation in exchange for sexual services.
- **Sexual exploitation:** Non-consensual sex or sexual activity for someone else's gain.
- **Sex trafficking:** Any exchange of money, goods, or services for sex or sex acts, through force, fraud, or coercion.
- **Legalization of sex work:** Regulating and/or licensing sex work, seen in Germany, the Netherlands, and a few counties in Nevada.
- **Partial criminalization, or the “Nordic Model”:** This approach decriminalizes people who provide sex work or sexual services, and makes purchasing sex a crime, in order to reduce the demand for sex work and sex trafficking. Sometimes called the Equality Model, End Demand model, or Entrapment Model.
- **Decriminalization of sex work:** Removal of criminal penalties for sex work, seen in New Zealand.

## What Does the Research Tell Us?

### **Sex work is consensual (sex trafficking is not).**

- Organizations such as the Sex Workers Outreach Project (swopusa.org), the Erotic Labor Alliance of New England (ELA ONE), and others are committed to the respect, safety, and autonomy of all sex workers, and recognize that sex workers come from many backgrounds, genders, and experiences.
- Numerous resources, such as *Revolting Prostitutes: The Fight for Sex Workers' Rights* by Molly Smith and Juno Mac, detail the perspectives, voices, and experiences of sex workers.
- Our own community members and coalition partners share that they have been engaged in commercial sex through choice or circumstance — but not coercion.

### **Conflating consensual sex work with sex trafficking makes it harder to prevent and respond to trafficking.**

- New Zealand decriminalized sex work in 2003 and is judged to be among those countries doing the most effective work on human trafficking, which shows us that we can address each issue distinctly.
- Laws such as SESTA/FOSTA have actually obscured the work against sex trafficking, and anti-trafficking advocates have argued that by shutting websites like BackPage down, victims of sex trafficking are harder to find.
- Many anti-trafficking advocates have turned to sex workers as critical allies in the fight against trafficking.
- Our resources for investigating and responding to sexual exploitation and sex trafficking are limited. Conflating consensual sex work with sexual exploitation misdirects resources, as time, effort, and money becomes split across the issues. For example, “john stings,” when rounding up buyers of consensual sex work, keep no one safe, but use law enforcement time.

### **End Demand policies do not decrease demand for commercial sex.**

- Research conducted by the Northern Ireland Department of Justice following the introduction of their end demand laws found in a 2019 report that “a trend analysis of 173,460 advertisements indicates that the legislation has had little effect on the supply of or demand for sexual services; based on the premise that criminalization would end demand for commercial sexual services there should have been a greater ‘tailing off’ of sex worker advertising during the period following the implementation of Article 64A. This has not occurred.”

- A 2014 report by the Swedish police found no reduction in trafficking in the country after 15 years of criminalization.

### **Partial criminalization decreases the safety of sex workers.**

- As sex workers Molly Smith and Juno Mac write in *Revolting Prostitutes: The Fight for Sex Workers' Rights*, “Losing advertising platforms pushes sex workers into the street, where their increased visibility makes them more vulnerable to arrest, or more likely to depend on [potentially abusive] managers.”
- After Scotland instituted laws criminalizing solicitation in 2007, groups recorded a doubling in reported rapes and assaults.
- Partial criminalization often means policing of the areas where sex workers conduct business. This forces those working into more isolated conditions and locations, increasing their physical vulnerability. It disrupts critical safety strategies and negotiations, including harm-reduction techniques such as the use of condoms and peer networks.
- According to a study published in *The Lancet*, partial criminalization “creates harms similar to those of full criminalisation by impeding sex workers’ ability to protect their health and safety, and creating an antagonistic relationship with law enforcement resulting in a climate of impunity.”

### **Decriminalization of sex work increases worker rights and safety, and many organizations — from local to global — agree.**

- In the state of New South Wales, Australia, where sex work is decriminalized, sex workers’ access to and use of condoms is higher than in other Australian jurisdictions that have varying levels of criminalization.
- A study published in *The Lancet* concluded that decriminalization of sex work had the single greatest potential to reduce HIV infections in female sex worker communities, even more than increasing access to antiretroviral treatment.
- After New Zealand reformed its laws in 2003, many sex workers reported that they could turn to the police and courts for help without fear of prosecution for the first time in their lives.
- Decriminalization is the shift from “catch-all offences that criminalize most or all aspects of sex work,” including laws that target noncoercive third parties who purchase or facilitate sex work, to “laws and policies that provide protection for sex workers from acts of exploitation and abuse.”
- Decriminalization has been supported by the World Health Organization, UNAIDS, the Global Alliance Against Traffic in Women (GAATW), Human Rights Watch, Lambda Legal, the American Civil Liberties Union, and Freedom Network USA.

## **For More Reading**

- World Health Organization, UNFPA, UNAIDS (2012). *Prevention and Treatment of HIV and Other Sexually Transmitted Infections for Sex Workers*
- Global Alliance Against Traffic in Women (2011). *Moving Beyond “Supply and Demand” Catchphrases*
- American Civil Liberties Union (2020). *Is Sex Work Decriminalization the Answer? What the Research Tells Us*
- Amnesty International (2016). Policy and research on protection of sex workers’ rights
- Human Rights Watch (2019). *Why Sex Work Should Be Decriminalized*
- Vox (2019). *The Movement to Decriminalize Sex Work, Explained*
- Open Society Foundations (2015). *10 Reasons to Decriminalize Sex Work*
- Northern Ireland Department of Justice (2019). *Assessment of Review of Operation of Article 64A*
- Journal of Medical Ethics (2017). *Decreasing Human Trafficking through Sex Work Decriminalization*
- Anti-Trafficking Review (2020). *“I’ve Never Been So Exploited”: The Consequences of FOSTA-SESTA*
- The SWARM Collective (2020). *Everything You Ever Wanted to Know About the Swedish Model*