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**Testimony of Lt. Col. Brian P. Scott  
131st First Regular Session**

**IN OPPOSITION TO LD 1435 AN ACT TO REDUCE COMMERCIAL SEXUAL EXPLOITATION**

Senator Carney, Representative Moonen and members of the Joint Standing Committee on Judiciary, my name is Lt. Col. Brian P. Scott, and I am here today to testify on behalf of the Maine State Police and the Department of Public Safety in Opposition to LD 1435 An Act to Reduce Commercial Sexual Exploitation.

In preparation for this testimony, I spoke with the Bills' sponsor, Rep. Reckitt, so that I could clearly understand what she was trying to accomplish. I learned that she is very passionate about trying to reduce the demand for what we currently know as "prostitution," so that we can reduce or eliminate the number of victims who are forced into having to unwillingly participate in this horrible practice often to ensure their own personal safety. While we could not agree more with the intent of Rep. Reckitt's position, we are not sure that this bill could or would actually reach its goal. While the Department of Public Safety takes no position on Sections 1 through 7 of this bill, I would note that a similar bill dealing with this topic was vetoed by Governor Mills by Governor Mills in the 130<sup>th</sup> Legislature.<sup>1</sup>

However, we are opposed to Section 8, which would require that the Department of Public Safety (DPS) to establish a protocol for law enforcement to treat a person who is experiencing or has experienced human trafficking or commercial sexual exploitation. The DPS does not have the staff capacity or expertise to fulfill this requirement. We anticipate that in order to comply we would need to spend many hours of staff time engaging with stakeholders over several months, and likely contract with experts or send staff to be trained, in order to learn what we would need to understand before we could begin rulemaking on. Then, the rule making

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<sup>1</sup> L.D. 1592, An Act to Remove Punishments for Sex Selling and Decrease Demand by Increasing Penalties for Sex Buying, (130<sup>th</sup> Legis. 2021).

process would require dozens more hours; in the end resulting in hundreds of hours of staff time that we simply do not have.

We are dealing unprecedented low levels of staffing where we are very close to a crisis. We are seeing more employees retiring or resigning faster than we can recruit, hire, and train. While our staffing levels have down our responsibilities have gone up. Maine has seen drug overdose deaths skyrocket; homicides double, and fatal car crashes increasing throughout the state. The DPS has many incredibly hard-working individuals who are doing everything that they can to try and reverse these horrible trends, however they only have the capacity to do so much.

We also don't have the ability to predict when the next crisis will hit the state of Maine. We must be flexible and dynamic and shift priorities on the spot when unpredictable emergencies arise so we may mitigate and reduce risks associated when such occurrences strike. Each time statutes require the DPS to take on additional duties without providing additional resources or staffing we are forced to stop doing something else that our training, education, and experience tells us requires our attention. We no longer have the ability to decide what the priorities are in making Maine a safer place to live, work and visit, as our priorities and deadlines are determined by state law, such as what this bill proposes. We have always prided ourselves on the fact the Department of Public Safety can do anything that we set our minds to, however we cannot do everything. Our capacity bubble has burst, and we can no longer take on additional duties without additional staffing.

Also, LD 1436 would require the DHHS to form a stakeholder group to identify funds and services available to victims of commercial sexual exploitation by December of this year. We would surely need to have this information before we could begin rulemaking, which this bill would require by January of next year. So, the timeline to establish this protocol is impossible.

For these reasons, I urge you to vote Ought Not to Pass on LD 1435, however, we would be happy to work with the sponsor of the bill and any stakeholders in an attempt to be part of a solution in an effort to reduce victims of commercial sexual exploitation.

On behalf of the Department of Public Safety and the Maine State Police, I thank you for your time and would be happy to try and answer any questions that you might have.