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

**IN OPPOSITION TO LD 1436 AN ACT TO PROVIDE REMEDIES FOR THE SURVIVORS OF
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 1436 ACT TO PROVIDE REMEDIES FOR THE SURVIVORS OF COMMERCIAL SEXUAL EXPLOITATION.

As with LD 1435 we understand and support the spirit of the bill, but we are not confident that this legislation would reach that goal. Similarly, while, DPS does not take any position on Sections 1 through 9 of this bill, we should point out that a bill dealing with similar issues was vetoed by Governor Mills in the 130th Legislature.¹ However, we do oppose Section 10, as it would require that no later than January 15, 2024, and biennially thereafter, the Department of Public Safety shall submit to the joint standing committees of the Legislature having jurisdiction over health and human services matters and over criminal justice and public safety matters a report on the following: 1. The number of convictions in the preceding biennium for violations of Title 17-A, chapter 35, the total amount of fines imposed and the total amount of fines collected; 2. The number of requests for sealing records related to violations of the Maine Revised Statutes, Title 17-A, former section 853-A and the judicial determinations in those proceedings; and 3. A description of services provided by the State for survivors of commercial sexual exploitation, including survivors who are minors or persons with a mental disability.

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

Much of the information that is required in the preceding paragraph is not yet created, and / or is not currently housed by nor falls under the purview of the Department of Public Safety. I anticipate that it would take a technology solution, such as a centralized database at considerable expense, in order for all police agencies, DHHS and others to contribute to in order to accurately collect the data contemplated in this bill. This would also require dozens of staff hours to develop the needs for this system, create a Request for Proposal, go out to bid, review bids, select a vendor and then actually implement such a system. It would then require a "system administrator," ongoing maintenance, data mining, preparation and the dissemination of the report described.

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.

For these reasons, I urge you to vote Ought Not to Pass on LD 1436.

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.