



LEGAL ADVOCATES  
& DEFENDERS

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Maine Women's Lobby



MaineTrans.Net  
redefining gender



April 11, 2023

Senator Carney, Representative Moonen, and Honorable Members of the Joint Standing Committee on Judiciary,

I join you today in support of <sup>1436</sup>LD 1256, **An Act to Provide Remedies for Survivors of Commercial Sexual Exploitation**, on behalf of the Maine Women's Lobby, GLAD GLBTQ Legal Advocates and Defenders, Portland Outright, EqualityMaine, and MaineTransNet. Thank you to Representative Reckitt for sponsoring this important bill.

Many members of our community had the great honor of working with and learning from Dee Clarke, an ardent advocate for survivors of sexual exploitation, sex trafficking, and unhoused community members. She was also the founder of Survivor Speak USA, and we all experienced a tremendous loss when Dee passed away last year.

Among Dee's most passionate efforts was the effort to seal, vacate, or expunge the crime of 'engaging in prostitution'. She believed in a Maine where people could leave lives of exploitation, recover, and go on to live and thrive, without barriers to education, housing, and employment.

Two years ago, I had the privilege of working with Dee and others from Survivor Speaker USA, as well as then-Representative Talbot Ross, to help pass a bill in this very committee which recognized the long-term damage that a record with this unique crime can have on people's futures. LD 1455 (in the 130th Legislature) created a defense against prosecution of this crime when people engaged in it as a result of economic hardship. Many of the organizations here today supported that proposal.

While that bill felt like a crucial step forward, we knew even then it was not enough, because hundreds of other people in Maine still struggle with that criminal record, interrupting their pathway to economic stability. The vast majority of people engaged in commercial sex are people of color and members of the LGBTQ community, especially trans people<sup>1</sup>. Trans women, particularly those of color, are more likely to be arrested on sex work charges than any other demographic.<sup>2</sup> When our economy and cultural norms exclude and ignore some populations,

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<sup>1</sup> North, A. (2019, August 02). The movement to decriminalize sex work, explained. <https://www.vox.com/2019/8/2/20692327/sex-work-decriminalization-prostitution-new-york-dc>

<sup>2</sup> Federal Bureau of Investigation. (2015). Uniform Crime Report. Retrieved from <https://ucr.fbi.gov/crime-in-the-u.s/2015/crime-in-the-u.s.-2015/tables/table-43>

the street economy can be a path to survival - but that means that the impact of the crime falls disproportionately on those who are already marginalized and excluded.

While for many years Maine has recognized the heavy weight of this crime on certain communities, we have been slow to act, given the Executive privilege of pardon granted in our Constitution. **Yet we know that the Legislature can, and has, created pathways to sealing records.** We have structures that allow us to seal juvenile criminal records. And in 2022, with the work of this committee, Maine authorized sealing for most Class E crimes committed between the ages of 18 and 28 (MRSA 15, § 2261).

**It's time to address the disproportionate harm that this crime has on marginalized communities, not only the community of poor Mainers, BIPOC Mainers, and the LGBTQ+ communities that our organizations represent and serve.**

We would like to add one final note: with regard to the sexual exploitation and trafficking stakeholder group, a statewide trafficking provider network already exists, and any such legislatively created body should rely on the years of wisdom and experience already gathered in that network.

We hope you will vote 'Ought to Pass' on LD 1436.

Sincerely,

Destie Hohman Sprague, Maine Women's Lobby

*And on behalf of*

GLAD - GLBTQ Legal Advocates and Defenders  
Portland Outright  
EqualityMaine  
MaineTransNet