

May 12, 2025

Senator Carney, Representative Kuhn, and Members of the Joint Standing Committee on Judiciary:

My name is Melissa Martin, and I am submitting testimony today on behalf of the Maine Coalition Against Sexual Assault (MECASA), the organization which represents and serves Maine's sexual violence prevention and response programs as well as Maine's Children's Advocacy Centers. MECASA initiates and advocates for victim-centered public policy; provides expert training, technical assistance, and resources for providers and partners; and funds the service providers in your communities.

MECASA is here today neither for nor against LD 1877, An Act to Increase Penalties for Human Trafficking Offenses.

There are portions of this bill that we support and portions we do not. I also want to make a brief note that we often use the term commercial sexual exploitation (or commercial sexual exploitation of children) in describing sex trafficking as this term describes the sexual and financial aspects of the harm.

First, we do support increasing criminal financial penalties, including restitution and contributions to Victims Compensation, in trafficking cases. Especially where commercial sexual exploitation represents not only sexual harm, but also where the person convicted has benefited financially, a.k.a. the commercial aspect; we believe these increases in financial penalties are warranted. In addition, we know that trafficking survivors are often deeply financially impacted, making restitution, Victim's Compensation, and other financial remedies essential in supporting full recovery.

Second, we also support increased training about trafficking or commercial sexual exploitation for mandated reporters. We would suggest an amendment to the bill to simply amend existing law and training around mandated reporters, instead of isolating some professions of mandated reporters. We would be happy to work on this amendment with the Committee or bill sponsor.

However, we do not support mandatory minimums because they often undermine the goal of supporting survivors. Sexual assault and commercial sexual exploitation are not only the most under-reported crimes in the United States, but they are also some of the most challenging crimes to investigate, charge, and prosecute. We agree that accountability is critical to both justice and public safety. However, we have consistently opposed mandatory minimums as the means by which to achieve those goals.

To understand this approach, I want to outline some of the complexities of the criminal justice system. **Cases of sexual assault, sexual abuse, and commercial sexual exploitation are among the most difficult to prove. There is often a lapse of time between the harm and the report and then another gap between the report and the court case. This is an issue that this committee just addressed in voting to expand the statute of limitations for aggravated sex trafficking.** Also, there is often little or no corroborating evidence. Victims are frequently unable to present as strong witnesses, because of their age or their trauma resulting from the assault.

As a result of these challenges, crimes of sexual abuse and sexual assault are those most frequently subject to plea bargains. In some cases, a plea bargain is the only way to assure any conviction at all and to avoid the trauma of a trial for the victim. However, plea bargains inherently involve reducing the class of the crime, or even the criminal charge itself, with a corresponding decrease in the recommended sentence in exchange for the guilty plea. The benefit to a system without mandatory minimums is that these decisions can be made with the prosecutor, who has had the opportunity to get input from the survivor about their wishes in terms of participating in a trial and their goals with the criminal case.

Further, it is our belief that, in an environment where the crimes are challenging to prosecute already, the imposition of mandatory minimums has the opposite impact of what is intended and contributes to *decreased* criminal charges and sentences. When there are higher stakes in a case for both parties – prosecutors know these cases are more challenging to try, and defendants are less likely to take the risk of potentially facing a mandatory minimum or a registerable sex offense – there is a greater impetus to create a plea bargain for a lesser charge. This has two major impacts. First, it invalidates the reality of the victims/survivors –that a sex crime has a different physical and emotional impact than a simple assault or other charge. The lowered charge does not speak to the real impact of the crime on the survivor or the community. Second, crimes can be bargained to lower categories or out of the sex offense category completely, resulting in lesser sentencing and removal from a category requiring monitoring and registration of convicted sex offenders.

For these reasons, we are neither for nor against LD 1877. Thank you for your consideration. We would be pleased to answer any questions you might have.

About Maine's Sexual Assault Service Providers

One in five Mainers will experience sexual assault at some point in their lifetime.¹ Each year, 14,000 Mainers will experience sexual violence.²

Maine's sexual violence service providers provide free and confidential services across the state to victims/survivors of sexual harassment and sexual assault and those close to them, as well as to individuals who wish to increase their understanding of the issues. Just some of the services include a 24-hour statewide sexual assault helpline, crisis intervention and information, support groups, in-person accompaniment and advocacy through the medical and legal systems, and school- and community-based prevention education. Services are provided for a victim/survivor regardless of when they experienced sexual violence, and regardless of what type of sexual violence they experienced. Types of sexual violence include, but are not limited to, sexual harassment and gender-based bullying, child sexual abuse, elder sexual abuse, stalking, sex trafficking, and sexual violence within an intimate partner relationship.

24/7 Confidential

Maine Sexual Assault Helpline: 1-800-871-7741

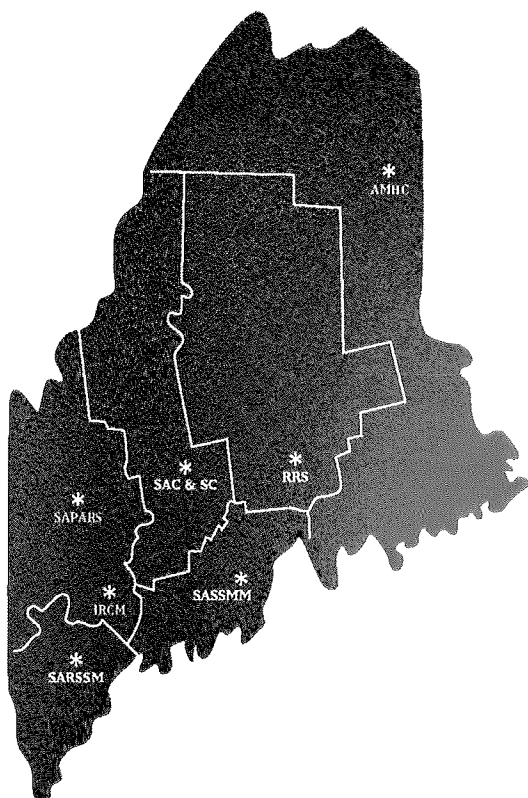
¹ Dumont, R. & Shaler, G. (2015). *Maine Crime Victimization Report: Informing public policy for safer communities*. Muskie School of Public Service, University of Southern Maine.

² *Id.*

mecasa

**MAINE COALITION AGAINST
SEXUAL ASSAULT**

info@mecasa.org | mecasa.org
207-626-0034



**STATEWIDE
SEXUAL ASSAULT HELPLINE
1-800-871-7741**

Free. Private. 24/7.

MAINE'S SEXUAL ASSAULT SUPPORT CENTERS

AMHC Sexual Assault Services (AMHC)

Serving Aroostook, Hancock, & Washington Counties •
amhcsexualassaultservices.org

Immigrant Resource Center of Maine

Serving Androscoggin & Cumberland Counties • ircofmaine.org

Rape Response Services (RRS)

Serving Penobscot & Piscataquis Counties • rrsonline.org

Sexual Assault Prevention & Response Services (SAPARS)

Serving Androscoggin, Oxford & Franklin Counties and the towns of
Bridgton & Harrison • sapars.org

Sexual Assault Crisis & Support Center (SAC & SC)

Serving Kennebec & Somerset Counties • silentnomore.org

Sexual Assault Response Services of Southern Maine (SARSSM)

Serving Cumberland & York Counties • sarsonline.org

Sexual Assault Support Services of Midcoast Maine (SASSMM)

Serving Eastern Cumberland, Sagadahoc, Knox, Waldo & Lincoln
Counties • sassmm.org

MORE SEXUAL VIOLENCE SERVICES

Maine TransNet • mainetrans.net • info@mainetransnet.org

Wabanaki Women's Coalition • wabanakiwomenscoalition.org
207-763-3478

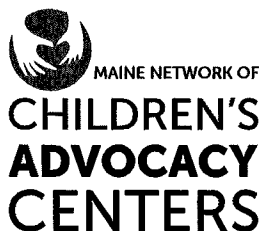
Aroostook Band of Micmacs, Domestic & Sexual Violence
Advocacy Center • 207-551-3639

Houlton Band of Maliseets, Domestic & Sexual Violence
Advocacy Center • 207-532-6401

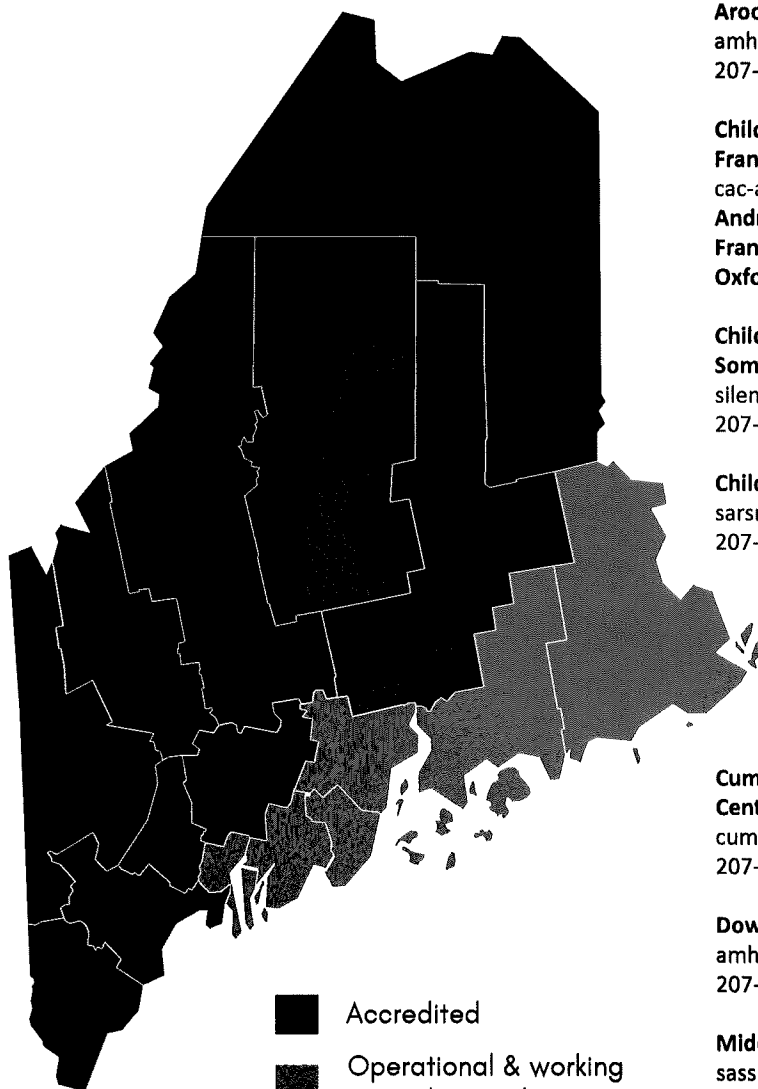
Indian Township Passamaquoddy, Domestic & Sexual
Violence Advocacy Center • 207-214-1917

Passamaquoddy Peaceful Relations • 1-877-853-2613

Penobscot Indian Nation, Domestic & Sexual Violence
Advocacy Center • 207-631-4886



Maine's Children's Advocacy Centers



Aroostook County Children's Advocacy Center
amhcsas.org
207-472-6134

Children's Advocacy Center of Androscoggin, Franklin, and Oxford Counties
cac-afco.org
Androscoggin: 207-784-0436
Franklin: 207-778-9777
Oxford: 207-739-1228

Children's Advocacy Center of Kennebec & Somerset Counties
silentnomore.org/about-our-cac
207-861-4491

Children's Advocacy Center of York County
sarsmm.org
207-459-2380

Cumberland County Children's Advocacy Center
cumberlandcountycac.org
207-879-6160

Downeast Children's Advocacy Center
amhcsas.org
207-255-3687

Midcoast Children's Advocacy Center
sassmm.org
207-522-7162

Penquis Children's Advocacy Center
penquiscac.org
207-974-2469