

Since 2011, Shared Hope has laid the foundation for transformational policy, practice, and cultural change by supporting state legislators and stakeholders to identify gaps in the fabric of laws needed to address child sex trafficking. The Report Cards on Child & Youth Sex Trafficking build upon the progress already made, challenging states to take the next step in the fight against sex trafficking by focusing on the area where the largest gaps remain—victim protections. This report provides a thorough review of Maine’s laws related to both criminalization and victim protections while providing recommendations for addressing gaps in the law.



ISSUE 1: Criminal Provisions

Policy Goal 1.1 The child sex trafficking law is expressly applicable to buyers of commercial sex with any minor under 18.

Me. Rev. Stat. Ann. tit. 17-A, § 852 (Aggravated sex trafficking) does not apply to buyers of commercial sex with minors. Pursuant to Me. Rev. Stat. Ann. tit. 17-A, § 852(1), (1-A),

1. A person is guilty of aggravated sex trafficking if the person knowingly:

....

B. Promotes prostitution¹ of a person 15, 16 or 17 years of age; or

....

1-A. A person is guilty of aggravated sex trafficking if the person knowingly promotes prostitution of a person 14 years of age or younger

¹ Me. Rev. Stat. Ann. tit. 17-A, § 851(2) (Definitions) defines “promotes prostitution” as

A. Causing or aiding another to commit or engage in prostitution, other than as a patron;

B. Publicly soliciting patrons for prostitution. Publicly soliciting patrons for prostitution includes, but is not limited to, an offer, made in a public place, to engage in a sexual act or sexual contact, as those terms are defined in section 251, in return for a pecuniary benefit to be received by the person making the offer or a 3rd person;

C. Providing persons for purposes of prostitution;

D. Leasing or otherwise permitting a place controlled by the defendant, alone or in association with others, to be regularly used for prostitution;

E. Owning, controlling, managing, supervising or otherwise operating, in association with others, a house of prostitution or a prostitution business;

F. Transporting a person into or within the State with the intent that such other person engage in prostitution; or

G. Accepting or receiving, or agreeing to accept or receive, a pecuniary benefit pursuant to an agreement or understanding with any person, other than with a patron, whereby the person participates or the person is to participate in the proceeds of prostitution.

Problematically, the definition of “promotes prostitution” under Me. Rev. Stat. Ann. tit. 17-A, § 851(2) (Definitions) specifically excludes buyers, defining the term, in part, as “[c]ausing or aiding another to commit or engage in prostitution, other than as a patron.”

- 1.1.1 Recommendation: Amend Me. Rev. Stat. Ann. tit. 17-A, § 852 (Aggravated sex trafficking) to make the statute applicable to the actions of buyers of commercial sex with minors.

Policy Goal 1.2 Commercial sexual exploitation of children (CSEC) laws specifically criminalize purchasing or soliciting commercial sex with any minor under 18.

Maine’s CSEC laws specifically criminalize both purchasing and soliciting commercial sex with a minor. Pursuant to Me. Rev. Stat. Ann. tit. 17-A, § 855(1)(A) (Patronizing prostitution of minor or person with mental disability),

A person is guilty of patronizing prostitution of a minor if:

A. The person, in return for another’s prostitution,² gives or agrees to give a pecuniary benefit either to the person whose prostitution is sought or to a 3rd person and the person whose prostitution is sought has not in fact attained 18 years of age or the person knows or believes that the person whose prostitution is sought has not attained 18 years of age

Further, Me. Rev. Stat. Ann. tit. 17-A, § 259-B(1) (Solicitation of a child to engage in prostitution) provides, “A person is guilty of soliciting a child to engage in prostitution if the actor knowingly solicits directly or indirectly by any means a person the actor knows or believes is under 18 years of age to engage in prostitution, as defined in section 851³ [Definitions].”

Policy Goal 1.3 Commercial sexual exploitation of children (CSEC) laws apply to traffickers and protect all minors under 18.

Me. Rev. Stat. Ann. tit. 17-A, § 554(1)(A) (Endangering the welfare of a child) applies to traffickers but is limited in application; it states, “A person is guilty of endangering the welfare of a child if that person . . . [k]nowingly permits a child to enter or remain in a house of prostitution”

- 1.3.1 Recommendation: Enact a CSEC law that addresses an array of exploitive conduct engaged in by traffickers.

Policy Goal 1.4 Mistake of age is not an available defense under sex trafficking and commercial sexual exploitation of children (CSEC) laws.

Maine law does not prohibit a mistake of age defense in prosecutions for child sex trafficking and CSEC. While Me. Rev. Stat. Ann. tit. 17-A, § 852 (Aggravated sex trafficking) and Me. Rev. Stat. Ann. tit. 17-A, § 855 (Patronizing prostitution of minor or person with mental disability) are silent regarding the permissibility of the defense, Me.

² Me. Rev. Stat. Ann. tit. 17-A, § 851(1) (Definitions) defines “prostitution” as

engaging in, or agreeing to engage in, or offering to engage in a sexual act or sexual contact, as those terms are defined in section 251, in return for a pecuniary benefit to be received by the person engaging in prostitution or a 3rd person.

³ See *supra* note 2 for the definition of “prostitution.”

Rev. Stat. Ann. tit. 17-A, § 259-B (Solicitation of child to engage in prostitution) implicitly allows for it. Under Me. Rev. Stat. Ann. tit. 17-A, § 259-B(1), the prosecution must show that the offender knew or believed the person solicited was a minor, stating, “A person is guilty of soliciting a child to engage in prostitution if the actor knowingly solicits directly or indirectly by any means a person the actor knows or believes is under 18 years of age to engage in prostitution”

- 1.4.1 Recommendation: Prohibit a mistake of age defense in all cases involving child sex trafficking and CSEC.

Policy Goal 1.5 Use of a law enforcement decoy is not an available defense in child sex trafficking cases.

Maine law implicitly prohibits a defense to prosecution based on the use of a law enforcement decoy posing as a minor. Specifically, Me. Rev. Stat. Ann. tit. 17-A, § 18 (Crimes involving minors) states,

A person who poses as a minor is deemed a minor for the purposes of a crime under chapter 11 [Sex assaults], 12 [Sexual exploitation of minors] or 35 [Sex trafficking, prostitution, and public indecency] that has an element or aggravating factor that the victim or person other than the actor is a minor.

Policy Goal 1.6 The trafficking law expressly allows for business entity liability and establishes a business-specific penalty scheme.

Maine’s trafficking law does not expressly allow for business entity liability.

- 1.6.1 Recommendation: Ensure business entities can be held liable under state trafficking laws and establish a business-specific penalty scheme.

Policy Goal 1.7 State law mandates that financial penalties are levied on sex trafficking and CSEC offenders and are directed to a victim services fund.

Financial penalties, including criminal fines, fees, and asset forfeiture, paid by convicted trafficking and CSEC offenders are not required to be directed into a victim services fund.⁴

⁴ Regarding asset forfeiture, Me. Rev. Stat. Ann. tit. 15, § 5821(9)–(10) (Subject property) states,

[T]he following are subject to forfeiture to the State and no property right may exist in them:

. . . .

9. Assets in human trafficking offenses. All assets, including money instruments, personal property and real property, used or intended for use in or traceable to a human trafficking offense as defined in Title 5, section 4701, subsection 1, paragraph C;

10. Assets in sex trafficking offenses. All assets, including money instruments, personal property and real property, used or intended for use in or traceable to an aggravated sex trafficking offense as defined in Title 17-A, section 852 or a sex trafficking offense as defined in Title 17-A, section 853

Importantly, Me. Rev. Stat. Ann. tit. 5, § 4701(1)(C) (Remedies for human trafficking) defines “human trafficking offense” to include

- 1.7.1 Recommendation: Statutorily direct a percentage of financial penalties levied on trafficking and CSEC offenders into a victim services fund.

(1) Aggravated sex trafficking and sex trafficking under Title 17-A, sections 852 and 853, respectively, and criminal forced labor and aggravated criminal forced labor under Title 17-A, sections 304 and 305, respectively; and
(2) Except as provided in subparagraph (1), all offenses in Title 17-A, chapters 11 [Sex assaults], 12 [Sexual exploitation of minors] and 13 [Kidnapping, criminal restraint and criminal forced labor] if accompanied by the destruction, concealment, removal, confiscation or possession of any actual or purported passport or other immigration document or other actual or purported government identification document of the other person or done using any scheme, plan or pattern intended to cause the other person to believe that if that person does not perform certain labor or services, including prostitution, that the person or a 3rd person will be subject to a harm to their health, safety or immigration status.

This definition is broad enough to include a violation of Me. Rev. Stat. Ann. tit. 17-A, § 259-B (Solicitation of a child to engage in prostitution), one of Maine’s CSEC offenses, as it falls under Title 17-A, Chapter 11. However, the offense must be accomplished under the narrow means described in Me. Rev. Stat. Ann. tit. 5, § 4701(1)(C)(2).

Disposition of forfeited property is governed by Me. Rev. Stat. Ann. tit. 15 § 5822(4) (Procedure), which “provide[s] for the disposition of the property to the General Fund, less the reasonable expenses of the forfeiture proceedings, seizure, storage, maintenance of custody, advertising and notice.” However, state asset forfeiture laws do not direct a percentage of a sex trafficking or CSEC offender’s forfeited assets into a victim services fund.



ISSUE 2: Identification of & Response to Victims

Policy Goal 2.1 The definition of child sex trafficking victim in the criminal code includes all commercially sexually exploited children without requiring third party control.

The definition of child sex trafficking victim does not include all commercially sexually exploited children. Me. Rev. Stat. Ann. tit. 17-A, § 852 (Aggravated sex trafficking) does not apply to buyers of commercial sex with minors.⁵ Accordingly, third party control is required to establish the crime of child sex trafficking, thereby excluding commercially sexually exploited children who are not under the control of a trafficker from the definition of child sex trafficking victim.

2.1.1 Recommendation: Remove third party control requirements that narrow the definition of child sex trafficking victim.⁶

Policy Goal 2.2 State law provides policy guidance to facilitate access to services and assistance for trafficked foreign national children.

Maine law does not require the development of policy guidance to facilitate appropriate responses to foreign national child sex trafficking victims.

2.2.1 Recommendation: Enact a law requiring the development of policy guidance to facilitate access to services and assistance for trafficked foreign national children.

Policy Goal 2.3 State law mandates child welfare agencies to conduct trauma-informed CSEC screening for children at risk of sex trafficking.

Maine law does not require child welfare to conduct trauma-informed CSEC screening of system-involved children and youth who are at risk of sex trafficking.

2.3.1 Recommendation: Enact a state law requiring child welfare to screen system-involved children and youth at risk of sex trafficking for experiences of commercial sexual exploitation.

Policy Goal 2.4 State law mandates juvenile justice agencies to conduct trauma-informed CSEC screening of children at risk of sex trafficking.

Maine law does not require juvenile justice agencies to conduct trauma-informed CSEC screening of children and youth who are at risk of sex trafficking.

⁵ See *supra* Policy Goal 1.1 for a full discussion of buyer-applicability under Me. Rev. Stat. Ann. tit. 17-A, § 852.

⁶ See generally Shared Hope Int'l, *Eliminating the Third Party Control Barrier to Identifying Juvenile Sex Trafficking Victims*, JuST Response Policy Paper (August 2015), http://sharedhope.org/wp-content/uploads/2015/08/Policy-Paper_Eliminating-Third-Party-Control_Final1.pdf (discussing need to include all commercially sexually exploited children within sex trafficking definitions and the corresponding need to include buyer conduct in core sex trafficking offenses regardless of whether the victim is under control of a third party).

- 2.4.1 Recommendation: Enact a state law requiring juvenile justice agencies to screen children and youth who are at risk of sex trafficking for experiences of commercial sexual exploitation.

Policy Goal 2.5 State law prohibits the criminalization of minors under 18 for prostitution offenses.

Maine law prohibits the criminalization of minors for prostitution offenses. Me. Rev. Stat. Ann. tit. 17-A, § 853-A(1) (Engaging in prostitution) clearly excludes minors, stating, “A person who has in fact attained 18 years of age is guilty of engaging in prostitution if: A. The person engages in prostitution as defined in section 851⁷” Additionally, finding that Me. Rev. Stat. Ann. tit. 17-A, § 853-A is inapplicable to persons under 18 years of age, minors are also seemingly protected from arrest and detention for conduct in violation of the prostitution law.

Policy Goal 2.6 State law prohibits the criminalization of child sex trafficking victims for status offenses, and misdemeanor and non-violent felony offenses committed as a result of their trafficking victimization.

Maine law does not prohibit the criminalization of child sex trafficking victims for status offenses nor does it prohibit charging victims with misdemeanors or non-violent felonies committed as a result of their trafficking victimization.

- 2.6.1 Recommendation: Enact a law that prohibits the criminalization of child sex trafficking victims for status offenses, and misdemeanors and non-violent felonies committed as a result of their trafficking victimization.

Policy Goal 2.7 State law prohibits the criminalization of child sex trafficking victims for sex trafficking and commercial sexual exploitation offenses, including accomplice and co-conspirator liability, committed as a result of their trafficking victimization.

Maine law does not prohibit the criminalization of child sex trafficking victims for sex trafficking and commercial sexual exploitation offenses, including accomplice and co-conspirator liability, committed as a result of their trafficking victimization.

- 2.7.1 Recommendation: Enact a law that prohibits the criminalization of child sex trafficking victims for sex trafficking and commercial sexual exploitation offenses, including accomplice and co-conspirator liability, committed as a result of their trafficking victimization.

Policy Goal 2.8 State law provides child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization.

Maine law does not provide child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization.

- 2.8.1 Recommendation: Enact a law that provides child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization.

⁷ Me. Rev. Stat. Ann. tit. 17-A, § 851(1) states, “Prostitution’ means engaging in, or agreeing to engage in, or offering to engage in a sexual act or sexual contact, as those terms are defined in section 251, in return for a pecuniary benefit to be received by the person engaged in prostitution or a 3rd person”

Policy Goal 2.9 Juvenile court jurisdiction aligns with international human rights standards.

Maine law does not provide age-appropriate juvenile court responses for all minors accused of engaging in juvenile or criminal conduct. While Maine law extends juvenile court jurisdiction to all minors under 18 years of age, governing state statute does not establish a minimum age for juvenile court jurisdiction, permits automatic transfers for minors previously transferred and convicted in criminal court, and fails to require courts to consider the impact of trauma or past victimization in make discretionary transfer determinations.

	Minimum Age for Juvenile Court Jurisdiction	Maximum Age for Charging a Minor in Juvenile Court	Automatic Transfers or Direct File	Discretionary Transfers	Requirement for Court to Consider Trauma or Past Victimization
Summary	None. “Juvenile” is defined as, “any person who has not attained the age of 18 years.	17	Yes. All minors bound over and convicted as an adult in prior matters.	Yes. Minors charged with murder or a Class A, B, or C crime.	No.
Relevant Statute(s)	Me. Rev. Stat. Ann. tit. 15 § 3003(14) (Definitions); Me. Rev. Stat. Ann. tit. 15 § 3101(2) (Jurisdiction)	Me. Rev. Stat. Ann. tit. 15 § 3003(14) (Definitions); Me. Rev. Stat. Ann. tit. 15 § 3101(2) (Jurisdiction)	Me. Rev. Ann. tit. 15 § 3104(G) (Jurisdiction conferred by general law)	Me. Rev. Stat. Ann. tit. 15 § 3101(4) (Jurisdiction conferred by general law)	Me. Rev. Stat. Ann. tit. 15 § 3101(4)(D) (Jurisdiction conferred by general law)

Consequently, some minors may still be subjected to age-inappropriate juvenile court responses due to state laws that: (1) fail to establish a minimum age for juvenile court jurisdiction that aligns with international human rights standards; (2) allows minors to be subject to direct file and automatic transfers; and (3) do not require the juvenile court to consider past trafficking victimization or trauma when making a transfer determination.

- 2.9.1 Recommendation: Enact comprehensive state laws requiring age-appropriate juvenile court responses for all children accused of engaging in juvenile or criminal conduct.

Policy Goal 2.10 State law defines child abuse to include child sex trafficking for purposes of accessing child welfare services.

Maine law expressly defines “abuse or neglect” to include child sex trafficking. Specifically, Me. Rev. Stat. Ann. tit. 22, § 4002(1) (Definitions) states,

“Abuse or neglect” means a threat to a child’s health or welfare by physical, mental or emotional injury or impairment, sexual abuse or exploitation including under Title 17-A, sections 282 [Sexual exploitation of minor], 852 [Aggravated sex trafficking], 853 [Sex trafficking] and 855 [Patronizing prostitution of minor or person with mental disability] . . . by a person responsible for the child. “Abuse or neglect” also means a threat to a child’s health or welfare caused by child sex trafficking by any person, regardless of whether or not the person is responsible for the child.

Policy Goal 2.11 State law clearly defines child welfare’s role in responding to non-familial child sex trafficking through an alternative specialized response that does not hinge on caregiver fault.

Maine law provides access to child welfare services for child sex trafficking victims regardless of parent or caregiver fault, but it does not outline a child sex trafficking-specific protocol for responding to non-familial sex trafficking cases. Specifically, the definition of “abuse or neglect” under Me. Rev. Stat. Ann. tit. 22, § 4002(1) (Definitions) expressly includes child sex trafficking and, unlike other specified conduct, is not limited to acts or omissions by a caregiver.⁸

- 2.11.1 Recommendation: Strengthen existing law to statutorily outline a child sex trafficking-specific protocol for responding to non-familial child sex trafficking cases that does not hinge on caregiver fault.

⁸ See *supra* Policy Goal 2.10 for the definition of “abuse or neglect.”



ISSUE 3: Continuum of Care

Policy Goal 3.1 State law provides child sex trafficking victims with access to specialized services through a non-punitive system.

Although specialized services may be available to children who have experienced homelessness⁹ or who are missing from care, which may include commercially sexually exploited children,¹⁰ Maine law does not provide a process to connect all child sex trafficking victims with access to specialized services through a non-punitive system.

⁹ Me. Rev. Stat. Ann. tit. 22, § 4099-D(1) (Definitions) defines “homeless youth” as follows:

[A] person 21 years of age or younger who is unaccompanied by a parent or guardian and is without shelter where appropriate care and supervision are available, whose parent or legal guardian is unable or unwilling to provide shelter and care or who lacks a fixed, regular and adequate nighttime residence. “Homeless youth” does not include a person incarcerated or otherwise detained under federal or state law.

¹⁰ Pursuant to Me. Rev. Stat. Ann. tit. 22, § 4099-E(1) (Comprehensive program for homeless youth),

The department shall establish and support a comprehensive program for homeless youth in the State by contracting with organizations and agencies licensed by the department that provide street outreach, shelter and transitional living services for homeless youth. The department shall by rule establish licensure requirements and shall establish performance-based contracts with organizations and agencies to provide the following programs and services:

1. **STREET AND COMMUNITY OUTREACH AND DROP-IN PROGRAMS.** Youth drop-in centers to provide walk-in access to crisis intervention and ongoing supportive services, including one-to-one case management services on a self-referral basis and street and community outreach programs to locate, contact and provide information, referrals and services to homeless youth, youth at risk of homelessness and runaways. Information, referrals and services provided may include, but are not limited to family reunification services; conflict resolution or mediation counseling; assistance in obtaining temporary emergency shelter; case management aimed at obtaining food, clothing, medical care or mental health counseling; counseling regarding violence, prostitution, substance use disorder, sexually transmitted diseases, HIV and pregnancy; referrals to other agencies that provide support services to homeless youth, youth at risk of homelessness and runaways; assistance with education, employment and independent living skills; aftercare services; and specialized services for highly vulnerable runaways and homeless youth, including teen parents, sexually exploited youth and youth with mental illness or developmental disabilities.
2. **EMERGENCY SHELTER PROGRAM.** Emergency shelter programs to provide homeless youth and runaways with referrals and walk-in access to short-term residential care on an emergency basis. The program must provide homeless youth and runaways with safe, dignified, voluntary housing, including private shower facilities, beds and at least one meal each day, and assist a runaway with reunification with family or a legal guardian when required or appropriate. The services provided at emergency shelters may include, but are not limited to, family reunification services or referral to safe, dignified housing; individual, family and group counseling; assistance obtaining clothing; access to medical and dental care and mental health counseling; education and employment services; recreational activities; case management, advocacy and referral services; independent living skills training; and aftercare, follow-up services and transportation; and
3. **TRANSITIONAL LIVING PROGRAMS.** Transitional living programs to help homeless youth find and maintain safe, dignified housing. The program may also provide rental assistance and related supportive services or may refer youth to other organizations or agencies that provide such services. Services provided may include, but are not limited to, provision of safe, dignified housing; educational assessment and referrals to educational

- 3.1.1 Recommendation: Enact legislation requiring access to specialized services through a non-punitive system.

Policy Goal 3.2 State law provides for a survivor-centered multi-disciplinary team response to child sex trafficking cases.

Although child sex trafficking victims could receive a multi-disciplinary team (MDT) response through an existing child sexual abuse MDT, Maine law does not require an MDT response to child sex trafficking cases. Pursuant to Me. Rev. Stat. Ann. tit. 22, § 4019(7) (Child advocacy centers), the child advocacy center is responsible for coordinating an MDT to address child abuse and neglect cases.

A center shall appoint a multidisciplinary team.

A. A multidisciplinary team must include employees of the participating agencies who are professionals involved in the investigation or prosecution of child sexual abuse cases and other child abuse and neglect cases. A multidisciplinary team may also include representatives of sexual assault support centers and professionals involved in the delivery of services, including medical and mental health services, to victims of child sexual abuse and other child abuse and neglect and the victims' families.

B. A multidisciplinary team shall meet at regularly scheduled intervals to:

- 1) Review child sexual abuse and other child abuse and neglect cases determined to be appropriate for review by the multidisciplinary team. A multidisciplinary team may review a child sexual abuse case or other child abuse or neglect case in which the alleged abuser does not have custodial control or supervision of the child or is not responsible for the child's welfare or care; and
- 2) Coordinate the actions of the entities involved in the investigation and prosecution of the cases and the delivery of services to the victims of child sexual abuse and other child abuse and neglect and the victims' families.

....

- 3.2.1 Recommendation: Enact legislation requiring a statewide multi-disciplinary team response specific to child sex trafficking victims.

Policy Goal 3.3 State law requires the juvenile justice system to provide access to specialized services for identified sex trafficked children and youth.

State law does not provide access to specialized services for identified sex trafficked children and youth in the juvenile justice system.

- 3.3.1 Recommendation: Enact legislation requiring the juvenile justice system to provide access to specialized services for identified sex trafficked children and youth.

programs; career planning, employment, job skills training and independent living skills training; job placement; budgeting and money management; assistance in securing housing appropriate to needs and income; counseling regarding violence, prostitution, substance use disorder, sexually transmitted diseases and pregnancy; referral for medical services or chemical dependency treatment; parenting skills; self-sufficiency support services or life skills training; and aftercare and follow-up services.

Policy Goal 3.4 State law extends foster care services to older foster youth.

Maine law extends foster care services to youth under 21 years of age through a voluntary extended foster care agreement. However, these services are not extended to youth under 23 years of age as permitted under federal law.¹¹ Specifically, Me. Rev. Stat. Ann. tit. 22 § 4037-A(1) (Extended care) states in part,

A person who is 18, 19 or 20 years of age and who attained 18 years of age while in the care and custody of the State may continue to receive care and support if the person:

- A. Is enrolled in secondary school or its equivalent or is enrolled in postsecondary or career and technical school;
- B. Is participating in a program or activity that promotes employment or removes barriers to employment;
- C. Is employed for at least 80 hours per month; or
- D. Is found to be in special circumstances, including but not limited to being incapable of qualifying under paragraphs A to C due to a documented medical or behavioral health condition.

- 3.4.1 Recommendation: Strengthen existing law to better support transition age youth by extending transitional foster care services to youth under 23 years of age.

Policy Goal 3.5 State funding is appropriated to support specialized services and a continuum of care for sex trafficked children regardless of system involvement.

The Maine state legislature did not appropriate funds to support the development and provision of specialized, community-based services and care to child and youth survivors.

- 3.5.1 Recommendation: Appropriate state funds to support the development of and access to specialized, community-based services to child and youth survivors of sex trafficking.

Policy Goal 3.6 State funding is appropriated to support child-serving agencies with providing specialized services and a continuum of care for sex trafficked children.

The Maine state legislature did not appropriate funds to support child-serving agencies with developing and providing specialized services and ensuring a continuum of care for child and youth survivors who interact or are involved with state systems.

- 3.6.1 Recommendation: Appropriate state funds to support child-serving agencies in the development of and access to specialized services to child and youth survivors of sex trafficking.

¹¹ For more information, see Shared Hope Int'l, *Issue Brief 3.4: Continuum of Care*, https://sharedhope.org/wp-content/uploads/2020/12/SH_Issue-Brief-3.4_2020.pdf (discussing federal laws that allow for funded foster care services to be extended to youth under 23 years of age).



ISSUE 4: Access to Justice for Trafficking Survivors

Policy Goal 4.1 State law allows trafficking victims to seek emergency civil orders of protection.

Maine law allows trafficking victims to seek ex parte civil orders of protection against their exploiters. Me. Rev. Stat. Ann. tit. 19-A, § 4005(1) (Commencement of proceeding) states in part,

An adult who has been a victim of conduct . . . described as aggravated sex trafficking or sex trafficking in Title 17-A, section 852 or 853, respectively, whether or not the conduct was perpetrated by a family or household member or dating partner, may seek relief¹² by filing a complaint alleging that conduct without regard to whether criminal prosecution has occurred. When a minor has been a victim of such conduct . . . , the minor's parent, other person responsible for the child or a representative of the department may seek relief by filing a petition alleging that conduct

Me. Rev. Stat. Ann. tit. 19-A, § 4006(2), (5) (Hearings) allows those orders to be granted on an ex parte basis, stating,

2. Temporary orders. The court may enter temporary orders authorized under subsection 5 that it considers necessary to protect the plaintiff or minor child from abuse, on good cause shown in an ex parte proceeding, which the court shall hear and determine as expeditiously as practicable after the filing of a complaint. Immediate and present danger of abuse to the plaintiff or minor child constitutes good cause. An order remains in effect pending a hearing pursuant to subsection 1.

. . . .

5. Interim relief. The court, in an ex parte proceeding, may make an order concerning the parental rights and responsibilities relating to minor children residing in the household and may enjoin the defendant from engaging in the following:

- A. Imposing a restraint upon the person or liberty of the plaintiff;
- B. Threatening, assaulting, molesting, harassing, attacking or otherwise disturbing the peace of the plaintiff;
- C. Entering the family residence or the residence of the plaintiff;
- D. Repeatedly and without reasonable cause:
 - (1) Following the plaintiff; or
 - (2) Being at or in the vicinity of the plaintiff's home, school, business or place of employment;
- E. Taking, converting or damaging property in which the plaintiff may have a legal interest;
- F. Having any direct or indirect contact with the plaintiff;
- G. Engaging in the unauthorized dissemination of certain private images as prohibited pursuant to Title 17-A, section 511-A; or

¹² Pursuant to Me. Rev. Stat. Ann. tit. 19-A, § 4007(1) (Relief), a wide range of relief is available through a protection order. Further, subsection (O) states,

With regard to conduct described as aggravated sex trafficking or sex trafficking as described in Title 17-A, section 852 or 853, respectively, [the court may enter] any other orders determined necessary or appropriate in the discretion of the court, including, but not limited to, requiring the defendant to pay economic damages related to the return or restoration of the plaintiff's passport or other immigration document and any debts of the plaintiff arising from the trafficking relationship;

H. Destroying, transferring or tampering with the plaintiff's passport or other immigration document in the defendant's possession.

Policy Goal 4.2 Ineligibility factors for crime victims' compensation do not prevent victims of child sex trafficking and commercial sexual exploitation of children (CSEC) from accessing compensation.

Although Maine's crime victims' compensation laws define "victim" broadly enough to include victims of child sex trafficking and CSEC, ineligibility factors may prevent a commercially sexually exploited child from accessing an award.

Pursuant to Me. Rev. Stat. Ann. tit. 5, § 3360-B(1)(A), (B) (Award of compensation; eligibility), victim compensation may be awarded to a person who, among other things,

- A. Suffers personal injury¹³ as a direct result of a crime¹⁴ specified in section 3360 [Definitions], committed within the jurisdiction of the State;
- B. Has been sexually assaulted within this State in violation of Title 17-A, chapter 11¹⁵ without regard to whether bodily injury or the threat of bodily injury occurred.

Although this definition includes victims of child sex trafficking and Me. Rev. Stat. Ann. tit. 17-A, § 259-B (Solicitation of a child to engage in prostitution), victims of Maine's other CSEC offenses are not expressly included.

To the extent a commercially sexually exploited child is identified as a victim, certain ineligibility factors may still limit their ability to seek crime victims' compensation. Pursuant to Me. Rev. Stat. Ann. tit. 5, § 3360-C(1), (2) (Requirements and exclusions),

- 1. Compensation. Compensation may not be paid for any crime unless:
 - A. The crime was reported to a law enforcement officer within 5 days of the occurrence or discovery of the crime or of the resultant injury; and
 - B. The claim was filed with the board within 3 years of the occurrence of the injury or compensable loss, or within 60 days of the discovery of injury or compensable loss, whichever is later.
- 2. Cooperation. Compensation may not be paid:
 - A. To any claimant who does not fully cooperate with the board or with the reasonable requests of law enforcement officers or prosecution authorities; or
 - B. To or on behalf of any person who violated a criminal law that caused or contributed to the injury or death for which compensation is sought, except when the person was the victim of a criminal homicide and the claimant was not involved in the criminal conduct.

Me. Rev. Stat. Ann. tit. 5, § 3360-C(3) allows the board to "waive the time requirements of subsection 1 for good cause shown" and requires the board to "waive the time requirements on behalf of a child or when the claimant is a

¹³ Me. Rev. Stat. Ann. tit. 5, § 3360(6) (Definitions) defines "personal injury" as "bodily injury . . . or psychological injury incurred by a victim who has sustained the threat of bodily injury."

¹⁴ Me. Rev. Stat. Ann. tit. 5, § 3360(3)(B), (J) defines "crime" to include the following:

- B. Sexual assaults as described in Title 17-A, chapter 11 [including solicitation of a child to engage in prostitution];
- J. Aggravated sex trafficking or sex trafficking as described in Title 17-A, sections 852 and 853, respectively.

¹⁵ Me. Rev. Stat. Ann. tit. 17-A, § 259-B (Solicitation of a child to engage in prostitution), one of Maine's CSEC offenses, is codified under Title 17-A, chapter 11 (Sex assaults).

child and the crime and the claim have been properly reported to law enforcement officers and the board by an adult who becomes aware of the crime and the compensable injury.” Without additional clarification, however, the ineligibility factors noted above could still present difficulties for child sex trafficking and CSEC victims.

- 4.2.1 Recommendation: Statutorily exempt victims of child sex trafficking and CSEC from ineligibility factors for crime victims’ compensation.

Policy Goal 4.3 Sex trafficked children and youth may vacate delinquency adjudications and criminal convictions for any offense arising from trafficking victimization.

Maine law does not allow sex trafficked children and youth to vacate delinquency adjudications or criminal convictions for offenses arising from trafficking victimization.

- 4.3.1 Recommendation: Enact a law that allows sex trafficked children and youth to vacate delinquency adjudications and criminal convictions for any offense arising from trafficking victimization.

Policy Goal 4.4 State law mandates restitution for child sex trafficking and commercial sexual exploitation of children (CSEC) offenses.

Restitution is mandatory in child sex trafficking and CSEC cases; however, certain limitations apply. Pursuant to Me. Rev. Stat. Ann. tit. 17-A, § 2003(1) (Mandatory consideration of restitution),

The court shall, whenever practicable, inquire of a prosecutor, law enforcement officer or victim with respect to the extent of the victim’s financial loss and shall order restitution when appropriate. The order for restitution must designate the amount of restitution to be paid and the person or persons to whom the restitution must be paid.¹⁶

To determine the amount of restitution, Me. Rev. Stat. Ann. tit. 17-A, § 2005(1) (Criteria for restitution) provides,

Restitution may be authorized, in whole or in part, as compensation for economic loss. In determining the amount of restitution authorized, the following must be considered:

- A. The contributory misconduct of the victim;
- B. Failure to report the crime to a law enforcement officer within 72 hours after its occurrence, without good cause for failure to report within that time; and
- C. The present and future financial capacity of the offender to pay restitution.

Under Me. Rev. Stat. Ann. tit. 17-A, § 2005(2), restitution is not available under the following circumstances:

- A. To a victim without that victim’s consent;
- B. To a victim who is an accomplice of the offender;
- C. To a victim who has otherwise been compensated from a collateral source, but economic loss in excess of the collateral compensation may be authorized; and
- D. When the amount and method of payment of monetary restitution or the performance of service restitution creates an excessive financial hardship on the offender or dependent of the offender. In making this determination, all relevant factors must be considered, including, but not limited to, the following:

¹⁶ Further, Me. Rev. Stat. Ann. tit. 17-A, § 2003(3) provides, “In any prosecution for a crime committed prior to the effective date of this chapter [Restitution], or any amendment to this chapter, the court may, with the consent of the defendant, require the defendant to make restitution in accordance with this chapter as amended.”

- (1) The number of the offender’s dependents;
- (2) The minimum living expenses of the offender and the offender’s dependents;
- (3) The special needs of the offender and the offender’s dependents, including necessary travel expense to and from work;
- (4) The offender’s present income and potential future earning capacity; and
- (5) The offender’s resources, from whatever source.

EXTRA CREDIT



Maine law mandates restitution for victims of child labor trafficking under Me. Rev. Stat. Ann. tit. 17-A, § 2003(1), which applies broadly to any offense.

Policy Goal 4.5 State law provides child sex trafficking victims with a trafficking-specific civil remedy.

Maine law allows victims of child sex trafficking to pursue civil remedies against their exploiters. Me. Rev. Stat. Ann. tit. 5, § 4701(2) (Remedies for human trafficking) states,

Civil Action for Damages, Relief. A trafficked person¹⁷ may bring a civil action for actual damages, compensatory damages, punitive damages, injunctive relief, any combination of those or any other appropriate relief. A prevailing plaintiff is entitled to an award of attorney’s fees and costs.

¹⁷ Me. Rev. Stat. Ann. tit. 5, § 4701(1)(A) defines “trafficked person” as “a victim of a human trafficking offense,” which is defined under Me. Rev. Stat. Ann. tit. 5, § 4701(1)(C) as follows:

- (1) Aggravated sex trafficking and sex trafficking under Title 17-A, sections 852 and 853, respectively, and criminal forced labor and aggravated criminal forced labor under Title 17-A, sections 304 and 305, respectively; and
- (2) Except as provided in subparagraph (1), all offenses in Title 17-A, chapters 11 [Sex assaults], 12 [Sexual exploitation of minors] and 13 [Kidnapping, criminal restraint and criminal forced labor] if accompanied by the destruction, concealment, removal, confiscation or possession of any actual or purported passport or other immigration document or other actual or purported government identification document of the other person or done using any scheme, plan or pattern intended to cause the other person to believe that if that person does not perform certain labor or services, including prostitution, that the person or a 3rd person will be subject to a harm to their health, safety or immigration status.

EXTRA CREDIT



Maine law provides sex trafficked youth with a trafficking-specific civil remedy under Me. Rev. Stat. Ann. tit. 5, § 4701(2), which applies to victims of Me. Rev. Stat. Ann. tit. 17-A, § 852 (Aggravated sex trafficking) and Me. Rev. Stat. Ann. tit. 17-A, § 853 (Sex trafficking), including both minor and adult victims, based on the definition of “trafficked person” under Me. Rev. Stat. Ann. tit. 5, § 4701(1)(A).



Maine law provides child labor trafficking victims with a trafficking-specific civil remedy under Me. Rev. Stat. Ann. tit. 5, § 4701(2), which applies to victims of Me. Rev. Stat. Ann. tit. 17-A, § 305 (Aggravated criminal forced labor) based on the definition of “trafficked person” under Me. Rev. Stat. Ann. tit. 5, § 4701(1)(A).

Policy Goal 4.6 Statutes of limitation for criminal and civil actions for child sex trafficking or commercial sexual exploitation of children (CSEC) offenses are eliminated to allow prosecutors and victims a realistic opportunity to pursue criminal action and legal remedies.

Maine law lengthens, but does not eliminate, the statute of limitation for filing trafficking-specific civil actions; however, the criminal statutes of limitation for trafficking and CSEC offenses are not eliminated or lengthened. Regarding civil actions, Me. Rev. Stat. Ann. tit. 5, § 4701(3) (Remedies for human trafficking) provides,

Statute of Limitations. An action brought pursuant to this section¹⁸ must be commenced within 10 years of the date on which the trafficked person was freed from the trafficking situation.

- A. If a person entitled to bring an action under this section is under disability when the cause of action accrues so that it is impossible or impracticable for the person to bring an action, the time during which the person is under disability tolls the running of the time limit for the commencement of the action. For the purposes of this paragraph, a person is under disability if the person is a minor or is mentally ill, imprisoned, outside the United States or otherwise incapacitated or incompetent.
- B. The statute of limitations is tolled for an incompetent or minor plaintiff even if a guardian ad litem has been appointed.
- C. A defendant is estopped from asserting a defense of the statute of limitations if the trafficked person did not file before the expiration of the statute of limitations due to:
 - (1) Conduct by the defendant inducing the plaintiff to delay the filing of the action or preventing the plaintiff from filing the action; or
 - (2) Threats made by the defendant that caused duress to the plaintiff.
- D. The statute of limitations is tolled during the pendency of any criminal proceedings against the trafficked person.

¹⁸ See *supra* Policy Goal 4.5 for the substantive provisions of Me. Rev. Stat. Ann. tit. 5, § 4701.

Regarding criminal actions, Me. Rev. Stat. Ann. tit. 17-A, § 8(2) (Statute of limitations) generally states, “prosecution for a Class A, Class B or Class C crime must be commenced within 6 years after it is committed and a prosecution for a Class D or Class E crime must be commenced within 3 years after it is committed.”

- 4.6.1 Recommendation: Eliminate criminal and civil statutes of limitation for all cases involving child sex trafficking and CSEC.



ISSUE 5: Tools for a Victim-Centered Criminal Justice Response

Policy Goal 5.1 State law provides a child sex trafficking-specific hearsay exception that applies to non-testimonial evidence to reduce reliance on victim testimony.

Although Maine law does not expressly allow non-testimonial, out-of-court statements made by commercially sexually exploited children to be admitted into evidence, there is a broad hearsay exception that applies to victims of criminal conduct that encompasses the abuse experienced by child sex trafficking victims; however, this protection is only available to younger minors. Pursuant to Me. Rev. Stat. Ann. tit. 15, § 1205 (Certain out-of-court statements made by minors or persons with developmental disabilities describing sexual contact),

A hearsay statement made by a person under the age of 16 years . . . , describing any incident involving a sexual act or sexual contact performed with or on the minor or person by another, may not be excluded as evidence in criminal proceedings in courts of this State if:

1. Mental or physical well-being of a person. On motion of the attorney for the State and at an in camera hearing, the court finds that the mental or physical well-being of that person will more likely than not be harmed if that person were to testify in open court; and
2. Examination and cross-examination. Pursuant to order of court made on such a motion, the statement is made under oath, subject to all of the rights of confrontation secured to an accused by the Constitution of Maine or the United States Constitution and the statement has been recorded by any means approved by the court, and is made in the presence of a judge or justice.

Notably, child victims who are 16 years of age or older are not protected by this hearsay exception.

- 5.1.1 Recommendation: Strengthen existing hearsay protections to expressly apply in child sex trafficking and CSEC cases.

Policy Goal 5.2 State law provides child sex trafficking victims with alternatives to live, in-court testimony regardless of the prosecuted offense.

Maine law does not provide child sex trafficking victims with an alternative to live, in-court testimony.

- 5.2.1 Recommendation: Statutorily provide all commercially sexually exploited children with an alternative to live, in-court testimony regardless of the child’s age and the offense charged.

Policy Goal 5.3 Child sex trafficking victims have access to victim protections in the criminal justice system.

	Child sex trafficking victims have the right to a victim advocate	Child sex trafficking victims testifying against their exploiter are provided supports in the courtroom	Child sex trafficking victims’ identifying information is protected from disclosure in court records
Summary	Not statutorily required.	Not statutorily required.	Not statutorily required.
Relevant Statute(s)	None.	None.	None.

- 5.3.1 Recommendation: Statutorily ensure that child sex trafficking victims have the right to a victim advocate, courtroom supports are provided when they are testifying against their exploiter, and their identifying information is kept confidential in court records.

Policy Goal 5.4 State law provides for privileged communications between caseworkers and child sex trafficking victims.

Maine law does not expressly provide for privileged communications between caseworkers and child sex trafficking victims.¹⁹

- 5.4.1 Recommendation: Enact a child sex trafficking-specific caseworker privilege law that protects a child sex trafficking victim's communications with a caseworker from being disclosed.

¹⁹ Notably, Me. Rev. Stat. Ann. tit. 17-A, § 2109 (Certain communications by victims confidential) provides,

The following communications are privileged from disclosure.

1. To sexual assault counselor. Communications by a victim, as described in Title 16, section 53-A [[Privileged communications to sexual assault counselors](#)], subsection 2, to a sexual assault counselor, as defined in Title 16, section 53-A, subsection 1, paragraph B, are privileged from disclosure as provided in Title 16, section 53-A, subsection 2.
2. To advocate. Communications by a victim, as defined in Title 16, section 53-B [[Privileged communications to victim advocate; family violence](#)], subsection 1, paragraph B, to an advocate, as defined in Title 16, section 53-B, subsection 1, paragraph A, are privileged from disclosure as provided in Title 16, section 53-B, subsection 2, subject to exceptions in Title 16, section 53-B, subsection 3.
3. To victim witness advocate or victim witness coordinator. Communications by a victim, as defined in Title 16, section 53-C [[Privileged communications to governmental victim witness advocates or coordinators](#)], subsection 1, paragraph B, to a victim witness advocate or a victim witness coordinator, as defined in Title 16, section 53-C, subsection 1, paragraph C, are privileged from disclosure as provided in Title 16, section 53-C, subsection 2, subject to exceptions in Title 16, section 53-C, subsection 3.

While Me. Rev. Stat. Ann. tit. 16, § 53-A (Privileged communications to sexual assault counselors) and Me. Rev. Stat. Ann. tit. 16, § 53-B (Privileged communications to victim advocate; family violence) limit protections to victims of sexual assault and domestic violence, respectively, Me. Rev. Stat. Ann. tit. 16, § 53-C(2) (Privileged communications to governmental victim witness advocates or coordinators) broadly applies to victims of any crime, stating,

Privileged Communications. Communications are privileged from disclosure as follows.

- A. A victim may refuse to disclose and may deny permission to a victim witness advocate or coordinator to disclose confidential written or oral communications between the victim and the advocate or coordinator and written records, notes, memoranda or reports concerning the victim.
- B. Except as provided in subsection 3, a victim, advocate or coordinator or the victim advocate's or coordinator's employer may not be required, through oral or written testimony or through production of documents, to disclose to a court in criminal or civil proceedings or to any other agency or person confidential communications between the victim and the advocate or coordinator.

Me. Rev. Stat. Ann. tit. 16, § 53-C(1)(B)(1) defines "victim" as "[a] person against whom a crime has been committed." Notably, however, the definition of "victim witness advocate" or "victim witness coordinator" is limited to "employee[s] of or volunteer[s] for a district attorney, the Attorney General or the United States Attorney whose primary job function is to advise, counsel or assist victims or witnesses of crimes, to supervise other employees or volunteers who perform that function or to administer the program." Accordingly, Me. Rev. Stat. Ann. tit. 16, § 53-C does not protect communications made to non-governmental caseworkers.



ISSUE 6: Prevention & Training

Policy Goal 6.1 State law mandates statewide training for child welfare agencies on identification and response to child sex trafficking.

Maine law does not mandate statewide training for child welfare agencies on identification and response to child sex trafficking.

6.1.1 Recommendation: Statutorily mandate statewide training for child welfare agencies on identification and response to child sex trafficking.

Policy Goal 6.2 State law mandates statewide training for juvenile justice agencies on identification and response to child sex trafficking.

Maine law does not mandate statewide training for juvenile justice agencies on identification and response to child sex trafficking.

6.2.1 Recommendation: Statutorily mandate statewide training for juvenile justice agencies on identification and response to child sex trafficking.

Policy Goal 6.3 State law mandates ongoing, trafficking-specific training on victim-centered investigations for law enforcement.

Maine law does not mandate ongoing, trafficking-specific training on victim-centered investigations for law enforcement.

6.3.1 Recommendation: Statutorily mandate ongoing, trafficking-specific training on victim-centered investigations for law enforcement.

Policy Goal 6.4 State law mandates trafficking-specific training on victim-centered investigations and prosecutions for prosecutors.

Maine law does not mandate trafficking-specific training on victim-centered investigations and prosecutions for prosecutors.

6.4.1 Recommendation: Statutorily mandate trafficking-specific training on victim-centered investigations and prosecutions for prosecutors.

Policy Goal 6.5 State law mandates child sex trafficking training for school personnel.

Maine law does not mandate training on child sex trafficking for school personnel.

6.5.1 Recommendation: Statutorily mandate trafficking-specific prevention education training for school personnel.

Policy Goal 6.6 State law mandates child sex trafficking prevention education in schools.

Maine law does not mandate child sex trafficking prevention education in schools.

6.6.1 Recommendation: Statutorily mandate developmentally and age-appropriate child sex trafficking prevention education in schools.

State Laws Addressing Child Sex Trafficking

1. Me. Rev. Stat. Ann. tit. 17-A, § 852(1), (1-A) (Aggravated sex trafficking) states,

1. A person is guilty of aggravated sex trafficking if the person knowingly:

.....

B. Promotes prostitution²⁰ of a person 15, 16 or 17 years of age; or

.....

Violation of this subsection is a Class B crime.

1-A. A person is guilty of aggravated sex trafficking if the person knowingly promotes prostitution of a person 14 years of age or younger. Violation of this subsection is a Class A crime.

A Class B crime is punishable by imprisonment for up to 10 years and a possible fine up to \$20,000. Me. Rev. Stat. Ann. tit. 17-A, §§ 1604(1)(B), 1704(2). A Class A crime is punishable by imprisonment for up to 30 years and a possible fine up to \$50,000. Me. Rev. Stat. Ann. tit. 17-A, §§ 1604(1)(A), 1704(1).

2. Me. Rev. Stat. Ann. tit. 17-A, § 853(1) (Sex trafficking) states,

A person is guilty of sex trafficking if:

A. The person knowingly promotes prostitution.²¹ Violation of this paragraph is a Class D crime; or

B. The person violates paragraph A and has 2 or more prior convictions in this State for any combination of the Maine offenses listed in this paragraph or for engaging in substantially similar conduct to that of the Maine offenses listed in this paragraph in another jurisdiction. The Maine offenses are any violation of this section or section 852, 853-A, 853-B or 855 or attempts to commit any of these crimes. Section 9-A governs the use of prior convictions when determining a sentence. Violation of this paragraph is a Class C crime.

²⁰ Me. Rev. Stat. Ann. tit. 17-A, § 851(2) (Definitions) defines “promotes prostitution” as

A. Causing or aiding another to commit or engage in prostitution, other than as a patron;

B. Publicly soliciting patrons for prostitution. Publicly soliciting patrons for prostitution includes, but is not limited to, an offer, made in a public place, to engage in a sexual act or sexual contact, as those terms are defined in section 251, in return for a pecuniary benefit to be received by the person making the offer or a 3rd person;

C. Providing persons for purposes of prostitution;

D. Leasing or otherwise permitting a place controlled by the defendant, alone or in association with others, to be regularly used for prostitution;

E. Owning, controlling, managing, supervising or otherwise operating, in association with others, a house of prostitution or a prostitution business;

F. Transporting a person into or within the State with the intent that such other person engage in prostitution; or

G. Accepting or receiving, or agreeing to accept or receive, a pecuniary benefit pursuant to an agreement or understanding with any person, other than with a patron, whereby the person participates or the person is to participate in the proceeds of prostitution.

²¹ See *supra* note 20 for the definition of “promotes prostitution.”

A Class D crime is punishable by imprisonment for less than 1 year and a possible fine up to \$2,000. Me. Rev. Stat. Ann. tit. 17-A, §§ 1604(1)(D), 1704(4). A Class C crime is punishable by imprisonment for up to 5 years and a possible fine up to \$5,000. Me. Rev. Stat. Ann. tit. 17-A, §§ 1604(1)(C), 1704(3).

State Laws Addressing Commercial Sexual Exploitation of Children (CSEC)

1. Me. Rev. Stat. Ann. tit. 17-A, § 855(1)(A) (Patronizing prostitution of minor or person with mental disability) states,

A person is guilty of patronizing prostitution of a minor if:

A. The person, in return for another's prostitution,²² gives or agrees to give a pecuniary benefit either to the person whose prostitution is sought or to a 3rd person and the person whose prostitution is sought has not in fact attained 18 years of age or the person knows or believes that the person whose prostitution is sought has not attained 18 years of age. Violation of this paragraph is a Class C crime . . .

A Class C crime is punishable by imprisonment for up to 5 years and a possible fine up to \$5,000. Me. Rev. Stat. Ann. tit. 17-A, §§ 1604(1)(C), 1704(3).

2. Me. Rev. Stat. Ann. tit. 17-A, § 554(1)(A) (Endangering the welfare of a child) states, "A person is guilty of endangering the welfare of a child if that person . . . [k]nowingly permits a child to enter or remain in a house of prostitution. Violation of this paragraph is a Class D crime."

A Class D crime is punishable by imprisonment for less than 1 year and a possible fine up to \$2,000. Me. Rev. Stat. Ann. tit. 17-A, §§ 1604(1)(D), 1704(4).

3. Me. Rev. Stat. Ann. tit. 17-A, § 259-B (Solicitation of a child to engage in prostitution) states,

1. A person is guilty of soliciting a child to engage in prostitution if the actor knowingly solicits directly or indirectly by any means a person the actor knows or believes is under 18 years of age to engage in prostitution, as defined in section 851²³ [Definitions].

2. Violation of this section is a Class D crime.

A Class D crime is punishable by imprisonment for less than 1 year and a possible fine up to \$2,000. Me. Rev. Stat. Ann. tit. 17-A, §§ 1604(1)(D), 1704(4).

²² Me. Rev. Stat. Ann. tit. 17-A, § 851(1) (Definitions) defines "prostitution" as

engaging in, or agreeing to engage in, or offering to engage in a sexual act or sexual contact, as those terms are defined in section 251, in return for a pecuniary benefit to be received by the person engaging in prostitution or a 3rd person.

²³ See *supra* note 22 for the definition of "prostitution."