



2023 REPORT MAINE

Report Cards on Child & Youth Sex Trafficking

State Action. National Change.

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IN 2011, SHARED HOPE RELEASED THE NATION'S FIRST LEGAL FRAMEWORK THAT CHALLENGED states to enact laws that comprehensively address the crime of child sex trafficking. When we launched the Protected Innocence Challenge project—and issued the inaugural State Report Cards—the majority of states received an “F” grade, reflecting the reality that many states’ laws failed to even recognize the crime of child sex trafficking. Since then, we have been working to lay the foundation for transformational policy, practice, and cultural change by supporting state legislators and stakeholders in identifying gaps in the fabric of laws needed to address this heinous crime. By 2019, no state received an “F” grade, and a majority of the country received an “A” or “B.”

PROTECTED INNOCENCE CHALLENGE

MAINE

2019	SCORE	GRADE	7.5	17.5	15	6	13.5	10
	69.5	D	10	25	15	10	27.5	15
2011	SCORE	GRADE	2.5	15.5	12	2	12.5	7.5
	52	F	10	25	15	10	27.5	15

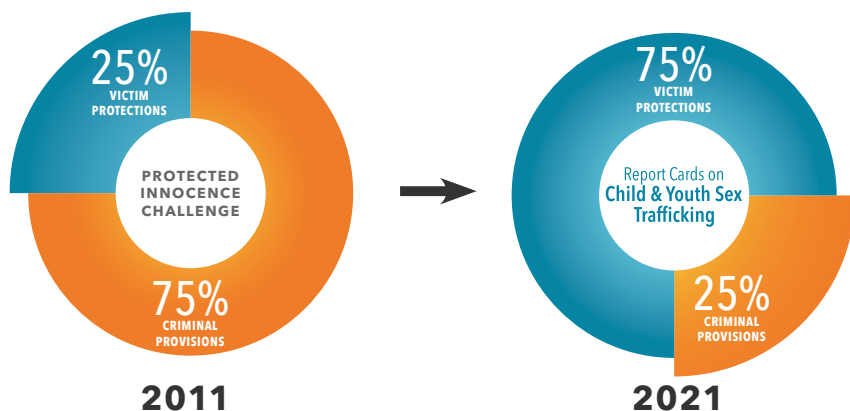
From 2011 to 2019, Maine raised their grade under the Protected Innocence Challenge from an “F” to a “D,” enacting legislation aimed at holding offenders accountable and protecting survivors.

To view Maine’s 2019 PIC report, visit sharedhope.org/PICframe9/reportcards/PIC_RC_2019_ME.pdf

A SHIFT IN FOCUS

THE PROTECTED INNOCENCE CHALLENGE PROJECT WAS SHARED HOPE’S VISION FOR MOBILIZING collective state action to ensure national change. Building on the progress already made under that project—while preserving its most fundamental components—we released a new, advanced legislative framework in 2020 that

focuses on new policy priorities reflective of feedback and research collected from the field. This framework is meant to challenge states to take the next step in the fight against sex trafficking by focusing on the area of law where the largest gaps remain—victim protections.



ADVANCED LEGISLATIVE FRAMEWORK

6 ISSUE AREAS IDENTIFIED:

CRIMINAL PROVISIONS

IDENTIFICATION OF & RESPONSE TO VICTIMS

CONTINUUM OF CARE

ACCESS TO JUSTICE FOR TRAFFICKING SURVIVORS

TOOLS FOR A VICTIM-CENTERED CRIMINAL JUSTICE RESPONSE

PREVENTION & TRAINING

40 POLICY GOALS ANALYZED:

110 TOTAL POINTS AWARDED:

States earn up to 2.5 points per policy goal

Extra credit: Protections for labor and youth 18+

100 possible points

plus up to 10 points

FINAL LETTER GRADES ASSIGNED:

A | 90-110 **B** | 80-89 **C** | 70-79 **D** | 60-69 **F** | <60

TIER RANKING

Another way the Report Cards on Child & Youth Sex Trafficking will measure progress is through a Tier system that will help states understand how they are doing compared to other states. Especially at this stage where grades are clustered at lower levels, the Tiers help to show states where they are on a spectrum. This provides another way for states to evaluate the progress they make beyond changes to their letter grade.

THE TIERS ARE STRUCTURED AS FOLLOWS:

- ▶ TIER 1 = TOP 10 SCORES
- ▶ TIER 2 = MIDDLE 31 SCORES
- ▶ TIER 3 = BOTTOM 10 SCORES

F



MAINE

2023 Report Card

TIER III

GRADES ARE BASED SOLELY ON AN ANALYSIS OF STATE STATUTES. While we recognize the critical importance of non-legislative responses to propel progress, grading on statutory law provides a clear mechanism for evaluating policy goals across all states while ensuring that survivor-centered reforms are an enduring part of states' responses.

STATE HIGHLIGHTS:

- Between 2021-2023, raised score by 12 points.
- Tied for 8th most improved in 2023 (raised score by 11.5 points this year alone).
- Requires convicted offenders of child sex or labor trafficking or CSEC offenses to pay restitution to victims.
- Allows child and youth victims of sex or labor trafficking to seek accountability for their offenders through civil processes.
- Commercially sexually exploited children can be identified as child sex trafficking victims regardless of whether they have or identify a trafficker.

SAFE HARBOR STATUS:

Passage of LD 1435 strengthened existing Safe Harbor protections, becoming the first state in the country to extend non-criminalization protections to older youth and adults. By repealing the state prostitution law, LD 1435 reclassified the purchase of sex as "commercial sexual exploitation" and protects those engaged in the "sale" of sex from the traumatizing and legal consequences associated with arrest, detention, and prosecution.

Issue		Grade	Score	Summary
	1. Criminal Provisions	C	$\frac{12.5}{17.5}$	Policy goals accomplished related to buyer and trafficker accountability under state CSEC laws, decoy defenses, business entity liability under the trafficking law, and financial penalties. Gaps remain related to buyer accountability under the trafficking law and mistake of age defenses.
	2. Identification of and Response to Victims	F	$\frac{7.5}{27.5}$	Policy goal accomplished related to child abuse definitions. Gaps remain related to third party control, foreign national victims, screening through child welfare and the juvenile justice system, non-criminalization for prostitution offenses, expanded non-criminalization, juvenile court jurisdiction, and non-caregiver trafficking cases.
	3. Continuum of Care	F	$\frac{4}{15}$	Gaps remain in all areas, including community-based services, MDT responses, services through child welfare and the juvenile justice system, extended foster care services, and appropriations.
	4. Access to Justice for Trafficking Survivors	D	$\frac{9.5}{15}$	Policy goals accomplished related to civil orders of protection, restitution, and civil remedies. Gaps remain related to crime victims' compensation, vacatur, and statutes of limitation.
	5. Tools for a Victim-Centered Criminal Justice Response	F	$\frac{4}{10}$	Gaps remain in all areas, including hearsay exceptions, alternatives to live, in-court testimony, victim-witness supports, and privileged communications.
	6. Prevention and Training	F	$\frac{0}{15}$	Gaps remain in all areas, including training for child welfare, juvenile justice agencies, law enforcement, prosecutors, and school personnel as well as prevention education in schools.
EXTRA CREDIT	Youth		1	Protection related to civil remedies is extended to sex trafficked youth.
	Child Labor Trafficking		3	Protections related to financial penalties, restitution, and civil remedies are extended to child labor trafficking victims.

OVERALL GRADE
TIER III

F 41.5

WHAT IS SAFE HARBOR?

“Safe Harbor” refers to laws that insulate survivors from a punitive response and direct them toward funded, comprehensive, and protective services.


WHY SAFE HARBOR?

These laws ensure survivors of child and youth sex trafficking are not involved in the juvenile or criminal justice system and receive trauma-informed care. Appropriate identification and access to services are vital to creating a just response for survivors of child and youth sex trafficking.

SAFE HARBOR LAWS

Comprehensive Safe Harbor laws
**SHOULD PROHIBIT
ARRESTING, DETAINING,
CHARGING, & PROSECUTING**
all minors for prostitution offenses, regardless of
whether a finding of trafficking victimization is
made, and, instead, require law enforcement to
direct child and youth survivors to
SPECIALIZED SERVICES & CARE.

Safe Harbor laws
**SHOULD ALSO PROHIBIT
CRIMINALIZATION**
of child sex trafficking survivors for other crimes
committed as a result of their victimization.

Status	Safe Harbor Policy Goal
 Not met	The definition of child sex trafficking victim in the criminal code includes all commercially sexually exploited children without requiring third party control (see Policy Goal 2.1 for further analysis and Issue Brief 2.1 for background).
 Not met	State law mandates child welfare agencies to conduct trauma-informed CSEC screening for children at risk of sex trafficking (see Policy Goal 2.3 for further analysis and Issue Brief 2.3 for background).
 Not met	State law mandates juvenile justice agencies to conduct trauma-informed CSEC screening of children at risk of sex trafficking (see Policy Goal 2.4 for further analysis and Issue Brief 2.4 for background).
 Partially met	State law prohibits the criminalization of minors under 18 for prostitution offenses and establishes a services-referral protocol as an alternative to arrest (see Policy Goal 2.5 for further analysis and Issue Brief 2.5 for background).
 Not met	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 (see Policy Goal 2.6 for further analysis and Issue Brief 2.6 for background).
 Not met	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 (see Policy Goal 2.7 for further analysis and Issue Brief 2.7 for background).
 Not met	State law provides child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization (see Policy Goal 2.8 for further analysis and Issue Brief 2.8 for background).
 Partially met	State law mandates a process for coordinating access to specialized services for child sex trafficking victims that does not require involvement in child-serving systems (see Policy Goal 3.1 for further analysis and Issue Brief 3.1 for background).
 Not met	State funding is appropriated to support specialized services and a continuum of care for sex trafficked children regardless of system involvement (see Policy Goal 3.6 for further analysis and Issue Brief 3.6 for background).

STATE SUMMARY: During the 2023 session, the Maine legislature strengthened existing non-criminalization protections by repealing the state prostitution law to protect anyone engaged in the “sale” of sex, including older youth and adults, from the traumatizing and legal consequences associated with arrest, detention, and prosecution. However, state law does not mandate a process for connecting any commercially sexually exploited with specialized, community-based services, as the only statutory mechanism for connecting impacted youth with services is limited to those experiencing homelessness, housing insecurity, or have left home or a placement. This potentially leaves some survivors underserved or disconnected from resources that are necessary to address trauma and promote healing. Further, Maine limits the definition of child sex trafficking victim by requiring third party control, preventing commercially sexually exploited children who are unable or unwilling to identify a trafficker, as well as those who are not under the control of a trafficker, from accessing protections and relief that are specifically designed for sex trafficked children.

SAFE HARBOR RESOURCES: For additional information, visit reportcards.sharedhope.org/safeharbor/.

SAFE HARBOR MAP: To see our map of state Safe Harbor law development, visit reportcards.sharedhope.org/wp-content/uploads/2022/11/SafeHarborMapDec2022.pdf.

This report provides a thorough analysis of Maine’s statutes related to offender accountability and victim protections while providing recommendations for addressing gaps in those statutes.¹ This report does not analyze case law, agency rules, or regulations, nor does it analyze practices or initiatives that exist outside of statutory law. However, stakeholders were invited to share non-statutory responses to paint a fuller picture of the state’s anti-child sex trafficking response; where such responses were submitted, they are included as “Insights from the Field” under the respective policy goal but are not factored into the state’s grade.

For more information on how to use this Analysis Report, click [here](#).



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.

○ *NOT MET*

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 prostitution² of a person 15, 16 or 17 years of age; or

¹ Evaluations of state laws are based on legislation enacted as of July 1, 2023.

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

- 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.

....
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

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. (*See Issue Brief 1.1.*)

Policy Goal 1.2 Commercial sexual exploitation of children (CSEC) laws³ specifically criminalize purchasing or soliciting commercial sex with any minor under 18.

● FULLY MET

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)⁴ (Commercial sexual exploitation of minor or person with mental disability),

A person is guilty of commercial sexual exploitation of a minor if:

- A. The person, in return for an act of prostitution,⁵ gives, offers to give or agrees to give a pecuniary benefit either to the person being prostituted or to a 3rd person and the person being prostituted has not in fact attained 18 years of age or the person knows or believes that the person being prostituted has not attained 18 years of age

Further, Me. Rev. Stat. Ann. tit. 17-A, § 259-B(1)⁶ (Solicitation of child for commercial sexual exploitation) provides, “A person is guilty of soliciting a child for commercial sexual exploitation 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 an act of prostitution, as defined in section 851⁷ [Definitions].”

³ The phrase “commercial sexual exploitation of children” (or “CSEC”) encompasses a variety of criminal offenses committed against a child in which the child engages, or agrees to engage, in a sex act in exchange for something of value either directly or through a third party. Appropriately crafted CSEC laws can be important, additional tools available in a prosecution of child sex trafficking conduct by supplementing available penalties under the trafficking law and providing additional options for plea negotiations without requiring prosecutors to rely on unrelated or low-level offenses in that context. For this reason, we analyze trafficking laws separately from CSEC laws—even though both involve commercial sexual exploitation. For a complete list of Maine’s CSEC laws, *see* the appendix located at the end of this report.

⁴ The text of Me. Rev. Stat. Ann. tit. 17-A, § 855 cited here and elsewhere in this report includes amendments made by the enactment of Legislative Draft 1435 during the 2023 Regular Session of the Maine state legislature (effective October 29, 2023).

⁵ 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 being prostituted or a 3rd person.” The text of Me. Rev. Stat. Ann. tit. 17-A, § 851 cited here and elsewhere in this report includes amendments made by the enactment of Legislative Draft 1435 during the 2023 Regular Session of the Maine state legislature (effective October 29, 2023).

⁶ The text of Me. Rev. Stat. Ann. tit. 17-A, § 259-B cited here and elsewhere in this report includes amendments made by the enactment of Legislative Draft 1435 during the 2023 Regular Session of the Maine state legislature (effective October 29, 2023).

⁷ *See supra* note 5 for the definition of “prostitution.”

Policy Goal 1.3 Commercial sexual exploitation of children (CSEC) laws⁸ apply to traffickers and protect all minors under 18.

● FULLY MET

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”

Policy Goal 1.4 Mistake of age is not an available defense in child sex trafficking prosecutions.

○ NOT MET

Maine law does not expressly prohibit a mistake of age defense in prosecutions for child sex trafficking.⁹

1.4.1 Recommendation: Prohibit a mistake of age defense in all cases involving child sex trafficking. (See [Issue Brief 1.4.](#))

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

● FULLY MET

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 Business entities can be held criminally liable for conduct that violates the trafficking law.

● FULLY MET

Maine law allows business entities to be held criminally liable for conduct that violates the trafficking law. Specifically, Maine’s child sex trafficking laws—Me. Rev. Stat. Ann. tit. 17-A, § 852 (Aggravated sex trafficking) and Me. Rev. Stat. Ann. tit. 17-A, § 853 (Sex trafficking)—criminalize specified conduct committed by “a person.”¹⁰ Me. Rev. Stat. Ann. tit. 17-A, § 2(20) (Definitions) defines “person” to include an organization, which is further defined under Me. Rev. Stat. Ann. tit. 17-A, § 2(19) as “a corporation, partnership or unincorporated association.” Accordingly, business entities can be held liable for a trafficking violation.

⁸ See *supra* note 3 for a full discussion on the purpose of analyzing trafficking laws separately from CSEC laws throughout this report.

⁹ Problematically, Me. Rev. Stat. Ann. tit. 17-A, § 259-B (Solicitation of child for commercial sexual exploitation), one of Maine’s CSEC offenses, 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 for commercial sexual exploitation 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 an act of prostitution” See *supra* note 6.

¹⁰ The substantive provisions for each of these offenses can be found under the “State Laws Addressing Child Sex Trafficking” section of the appendix located at the end of this report.

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.

● FULLY MET

Maine law requires convicted trafficking and CSEC offenders to pay an assessment that is to be deposited into a victim services fund. In addition, both trafficking and CSEC offenders face asset forfeiture; however, a percentage of their forfeited assets is not likewise directed into a victim services fund.

Specifically, Me. Rev. Stat. Ann. tit. 5, § 3360-I (Funding sources) requires trafficking and CSEC offenders to pay a mandatory assessment, which is directed to the Victims' Compensation Fund; Me. Rev. Stat. Ann. tit. 5, § 3360-I states, in part,

[CONFLICT: Amended by 2023, ch. 316, § 1] As part of the sentence or fine imposed, the court shall impose an assessment of \$35 on any person convicted of murder, a Class A crime, a Class B crime or a Class C crime and \$20 on any person convicted of a Class D crime or a Class E crime, except that the court shall impose an assessment of \$1,000 on any person convicted of aggravated sex trafficking as described in Title 17-A, section 852, an assessment of \$500 on any person convicted of sex trafficking as described in Title 17-A, section 853, an assessment of \$500 on any person for the first conviction and \$1,000 for each subsequent conviction of engaging a person for prostitution as described in Title 17-A, section 853-B and an assessment of \$500 on any person for the first conviction and \$1,000 for each subsequent conviction of commercial sexual exploitation of a minor or commercial sexual exploitation of a person with a mental disability as described in Title 17-A, section 855. Notwithstanding any other law, the court may not waive the imposition of the assessment required by this section. For purposes of collection and collection procedures, this assessment is considered part of the fine. At the time of commitment, the court shall inform the Department of Corrections or the county sheriff of any unpaid balances on assessments owed by the offender to the Victims' Compensation Fund. All funds collected as a result of these assessments accrue to the Victims' Compensation Fund.

[CONFLICT: Amended by 2023, ch. 412, § GG-1] As part of the sentence or fine imposed, the court shall impose an assessment of \$70 on any person convicted of murder, a Class A crime, a Class B crime or a Class C crime and \$40 on any person convicted of a Class D crime or a Class E crime, except that the court shall impose an assessment of \$2,000 on any person convicted of aggravated sex trafficking as described in Title 17-A, section 852, an assessment of \$1,000 on any person convicted of sex trafficking as described in Title 17-A, section 853, an assessment of \$1,000 on any person for the first conviction and \$2,000 for each subsequent conviction of engaging a prostitute as described in Title 17-A, section 853-B and an assessment of \$1,000 on any person for the first conviction and \$2,000 for each subsequent conviction of patronizing prostitution of a minor or patronizing prostitution of a mentally disabled person as described in Title 17-A, section 855. Notwithstanding any other provision of law to the contrary, the court may not waive the imposition of the assessment required by this section. For purposes of collection and collection procedures, this assessment is considered part of the fine. At the time of commitment, the court shall inform the Department of Corrections or the county sheriff of any unpaid balances on assessments owed by the offender to the Victims' Compensation Fund. All funds collected as a result of these assessments accrue to the Victims' Compensation Fund.

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 the following:

- (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 child for commercial sexual exploitation), 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.

EXTRA CREDIT



Maine law levies financial penalties on child labor trafficking offenders and directs those financial penalties into a victim services fund. Me. Rev. Stat. Ann. tit. 5, § 3360-I.



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.

○ NOT MET

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.¹¹ 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.¹² (See [Issue Brief 2.1.](#))

Policy Goal 2.2

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

○ NOT MET

Maine law does not provide policy guidance that facilitates appropriate responses to foreign national child sex trafficking victims.

- 2.2.1 Recommendation: Statutorily provide policy guidance that facilitates access to services and assistance for trafficked foreign national children. (See [Issue Brief 2.2.](#))

Policy Goal 2.3

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

○ NOT MET

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. (See [Issue Brief 2.3.](#))

¹¹ See *supra* Policy Goal 1.1 for a full discussion of buyer-applicability under Me. Rev. Stat. Ann. tit. 17-A, § 852.

¹² 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).

INSIGHTS FROM THE FIELD

“Child Welfare Policies can be found at <https://www.maine.gov/dhhs/ocfs/about-us/child-and-family-policy>

IV.C Intake Screening and Assignment Policy (this policy is in the process of being updated.

IV.D-2B. Human Trafficking & Commercial Sexual Exploitation of Children (HTCSEC) Policy”

*-Bobbi L. Johnson, LMSW, Associate Director of Child Welfare Services
Office of Child and Family Services, Department of Health and Human Services*

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

○ NOT MET

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.

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. (See [Issue Brief 2.4.](#))

Policy Goal 2.5 State law prohibits the criminalization of minors under 18 for prostitution offenses and establishes a services-referral protocol as an alternative to arrest.

● PARTIALLY MET

¹³ Despite this legal protection, designed to direct survivors to services instead of punitive consequences, state law does not require law enforcement to refer all impacted children to a direct services organization or child-serving agency. While state mandatory reporter laws may facilitate access to services for some commercially sexually exploited children, caregiver barriers within the definition of abuse and third party control requirements limit the reach of those laws.¹⁴

¹³ Additionally, state law provides sex trafficked children and youth with an affirmative defense to certain charges related to their participation in a commercial sex act. Under Me. Rev. Stat. Ann. tit. 17-A, § 151(10) (Criminal conspiracy), “It is a defense to prosecution under this section that the objective of the conspiracy is a violation of section 853-B [Engaging person for prostitution] and the actor’s participation was engaging or agreeing to personally engage in a sexual act or sexual contact for pecuniary benefit.” Further, Me. Rev. Stat. Ann. tit. 17-A, § 853(4) (Sex trafficking) provides, “It is a defense to prosecution under this section that the act alleged to constitute sex trafficking consisted of the person publicly soliciting a patron to engage in prostitution only with the person.” The text of Me. Rev. Stat. Ann. tit. 17-A, § 151 cited here and elsewhere in this report includes amendments made by the enactment of Legislative Draft 1435 during the 2023 Regular Session of the Maine state legislature (effective October 29, 2023). See *infra* note 32.

¹⁴ Me. Rev. Stat. Ann. tit. 22, §§ 4011-A(1)(A)(23), 4002(1); Me. Rev. Stat. Ann. tit. 17-A, § 852. For more information in the definition of child abuse and related caregiver barriers, see *infra* Policy Goal 2.10 and Policy Goal 2.11. See *supra* Policy Goal 2.1 for a full discussion of the lack of buyer-culpability under the state trafficking law and resulting third party control requirements.

- 2.5.1 Recommendation: Strengthen existing law to establish a services-referral protocol in response to minors engaged in commercial sex. (See [Issue Brief 2.5.](#))

INSIGHTS FROM THE FIELD

“[OCFS has established policy requiring] all suspected CSEC cases [be] referred to DHHS for support services. A copy is available upon request: OCFSPolicyTraining.DHHS@maine.gov.”†

†This information was gathered through our Insights from the Field process and was anonymized at the contributor's request.

- 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.

○ NOT MET

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. (See [Issue Brief 2.6.](#))

- 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.

○ NOT MET

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. (See [Issue Brief 2.7.](#))

- 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.

○ NOT MET

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. (See [Issue Brief 2.8.](#))

Policy Goal 2.9

Juvenile court jurisdiction provides for a developmentally appropriate response.

● **PARTIALLY MET**

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 of Juvenile Court Jurisdiction	Maximum Age for Charging Youth in Juvenile Court	Automatic Transfers or Permits Direct File	Discretionary Transfers	Requirement for Court to Consider Trauma or Past Victimization
Summary	None. “Juvenile” is defined as “any person who had not attained the age of 18 years at the time the person allegedly committed a juvenile crime.”	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) ¹⁵ (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 domestic 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. (*See [Issue Brief 2.9](#).*)

Policy Goal 2.10

State law defines child abuse to include child sex trafficking to ensure access to child welfare services.

● **FULLY MET**

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

¹⁵ The text of Me. Rev. Stat. Ann. tit. 15, § 3003 cited here and elsewhere in this report includes amendments made by the enactment of Legislative Draft 39 during the 2023 Regular Session of the Maine state legislature (effective October 29, 2023).

“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 [Commercial sexual exploitation 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.

INSIGHTS FROM THE FIELD

“The Maine Department of Health and Human Services (DHHS) has a comprehensive policy for identifying and addressing commercial sexual exploitation of children. The policy details that DHHS will investigate all suspected cases of CSEC and will refer all cases to the local District Attorney office within 24 hours. DHHS will also convene a multidisciplinary team through the local Children’s Advocacy center to develop case-specific needs and determine appropriate next steps and referrals.”[†]

†This information was gathered through our Insights from the Field process and was anonymized at the contributor’s request.

Policy Goal 2.11 State law allows for child welfare involvement in sex trafficking cases that do not involve caregiver fault and provides for an alternative, specialized response in those cases.

1 PARTIALLY MET

Although child sex trafficking victims may access child welfare services regardless of parent or caregiver fault, Maine law does not provide for a specialized response in those 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.¹⁶ As noted above, however, a specialized response is not statutorily required for children reported to child welfare due to trafficking victimization perpetrated by a non-caregiver trafficker.

2.11.1 Recommendation: Statutorily provide for a specialized response in non-caregiver child sex trafficking cases. (See [Issue Brief 2.11](#).)

INSIGHTS FROM THE FIELD

“Child Welfare Policies can be found at <https://www.maine.gov/dhhs/ocfs/about-us/child-and-family-policy>

2.2 Child Protection Investigation Policy.”

*-Bobbi L. Johnson, LMSW, Associate Director of Child Welfare Services
Office of Child and Family Services, Department of Health and Human Services*

¹⁶ See *supra* Policy Goal 2.10 for the definition of “abuse or neglect.”

INSIGHTS FROM THE FIELD

“The Maine Department of Health and Human Services (DHHS) has a comprehensive policy for identifying and addressing commercial sexual exploitation of children. The policy details that DHHS will investigate all suspected cases of CSEC and will refer all cases to the local District Attorney office within 24 hours. DHHS will also convene a multidisciplinary team through the local Children’s Advocacy center to develop case-specific needs and determine appropriate next steps and referrals.”†

†This information was gathered through our Insights from the Field process and was anonymized at the contributor’s request.



ISSUE 3: Continuum of Care

Policy Goal 3.1

State law mandates a process for coordinating access to specialized services for child sex trafficking victims that does not require involvement in child-serving systems.

PARTIALLY MET

Although services are available to children who are identified as homeless youth¹⁷ or have run from home or placement, which may include sex trafficked children and youth, Maine law does not mandate a process for connecting any child who experiences commercial sexual exploitation with specialized, community-based services. Under 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

¹⁷ Me. Rev. Stat. Ann. tit. 22, § 4099-D(1) 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.

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 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.

As noted above, however, this program only applies to children identified as homeless youth or as runaways, leaving other commercially sexually exploited children and youth without statutory access to specialized, community-based services.

- 3.1.1 Recommendation: Strengthen existing law to mandate a statewide process for coordinating access to specialized services for child sex trafficking victims that does not require involvement in child-serving systems. (See [Issue Brief 3.1.](#))

INSIGHTS FROM THE FIELD

“Yes, we have statewide coverage of sexual assault centers statewide who can provide these services outcome of child-serving systems. <https://www.mecasa.org/our-programs.html>.”†

†This information was gathered through our Insights from the Field process and was anonymized at the contributor’s request.

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

❶ PARTIALLY MET

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: Statutorily require a statewide multi-disciplinary team response specific to child sex trafficking victims. (See [Issue Brief 3.2](#).)

INSIGHTS FROM THE FIELD

“The Maine Department of Health and Human Services (DHHS) has a comprehensive policy for identifying and addressing commercial sexual exploitation of children. The policy details that DHHS will investigate all suspected cases of CSEC and will refer all cases to the local District Attorney office within 24 hours. DHHS will also convene a multidisciplinary team through the local Children’s Advocacy center to develop case-specific needs and determine appropriate next steps and referrals.”†

†This information was gathered through our Insights from the Field process and was anonymized at the contributor’s request.

Policy Goal 3.3 State law requires child welfare to provide access to specialized services for identified sex trafficked children and youth.

○ NOT MET

Maine law does not require child welfare to provide access to services that are specialized to the unique needs of child sex trafficking victims.

- 3.3.1 Recommendation: Statutorily require child welfare to provide access to specialized services for child sex trafficking victims. (See [Issue Brief 3.3](#).)

INSIGHTS FROM THE FIELD

“Child Welfare Policies can be found at <https://www.maine.gov/dhhs/ocfs/about-us/child-and-family-policy>

IV.C Intake Screening and Assignment Policy (this policy is in the process of being updated)
IV.D-2B. Human Trafficking & Commercial Sexual Exploitation of Children (HTCSEC) Policy
2.2 Child Protection Investigation Policy
3.10 Missing and Runaway Youth Policy”

-Bobbi L. Johnson, LMSW, Associate Director of Child Welfare Services
Office of Child and Family Services, Department of Health and Human Services

Policy Goal 3.4 State law requires the juvenile justice system to provide access to specialized services for identified sex trafficked children and youth.

○ NOT MET

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

- 3.4.1 Recommendation: Statutorily require the juvenile justice system to provide access to specialized services for identified sex trafficked children and youth. (See [Issue Brief 3.4.](#))

Policy Goal 3.5 State law extends foster care services to older foster youth.

● PARTIALLY MET

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.¹⁸ 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.

- 3.5.1 Recommendation: Strengthen existing law to better support transition age youth by extending transitional foster care services to youth under 23 years of age. (See [Issue Brief 3.5.](#))

INSIGHTS FROM THE FIELD

“Child Welfare Policies can be found at <https://www.maine.gov/dhhs/ocfs/about-us/child-and-family-policy>

3.9 Youth Transition Services Policy”

*-Bobbi L. Johnson, LMSW, Associate Director of Child Welfare Services
Office of Child and Family Services, Department of Health and Human Services*

¹⁸ For more information, see Shared Hope Int'l, *Issue Brief 3.5: Continuum of Care*, <https://reportcards.sharedhope.org/issue-briefs/#IB3.5> (discussing federal laws that allow for funded foster care services to be extended to youth under 23 years of age).

Policy Goal 3.6

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

○ NOT MET

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.

- 3.6.1 Recommendation: Appropriate state funds to support the development of and access to specialized, community-based services to child and youth survivors of sex trafficking. (See [*Issue Brief 3.6.*](#))



ISSUE 4: Access to Justice for Trafficking Survivors

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

● FULLY MET

Maine law allows sex trafficking victims to seek ex parte civil orders of protection against their exploiters. Pursuant to Me. Rev. Stat. Ann. tit. 19-A, § 4103(1), (2)¹⁹ (Eligibility),

The following persons are eligible to seek relief under this chapter:

1. Adult. An adult:

....

B. Who has been a victim of conduct:

....

(4) Described as aggravated sex trafficking or sex trafficking in Title 17-A, section 852 or 853, respectively; or

....

For purposes of this paragraph, the conduct need not have been perpetrated by a family or household member, a dating partner or an individual related by consanguinity or affinity;

2. Minor child. A person responsible for a child, as defined in Title 22, section 4002, subsection 9, or a representative of the department when a minor child has been:

B. A victim of conduct:

....

(4) Described as aggravated sex trafficking or sex trafficking in Title 17-A, section 852 or 853, respectively;

....

For purposes of this paragraph, the conduct need not have been perpetrated by a family or household member, a dating partner or an individual related by consanguinity or affinity;

Under Me. Rev. Stat. Ann. tit. 19-A, § 4108 (Temporary orders), orders may be entered on an ex parte basis; it states,

1. Temporary orders. The court may enter temporary orders²⁰ authorized under subsection 2 that it considers necessary to protect a 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. A temporary order remains in effect pending a hearing pursuant to section 4109 [Hearings].

2. Interim relief. The court, in an ex parte proceeding, may enter temporary orders:

A. Concerning the parental rights and responsibilities relating to minor children for whom the parties are responsible;

B. Enjoining the defendant from engaging in the following:

(1) Imposing a restraint upon the person or liberty of the plaintiff;

¹⁹ The text of Me. Rev. Stat. Ann. tit. 19-A, § 4103 cited here and elsewhere in this report includes amendments made by the enactment of Legislative Draft 1683 during the 2023 Regular Session of the Maine state legislature (effective October 29, 2023).

²⁰ Me. Rev. Stat. Ann. tit. 19-A, § 4102(8)(A), (B) (Definitions) defines “order” to include a “temporary, emergency or interim order issued under this chapter” and a “final protection order issued under this chapter after hearing or opportunity for hearing or with consent of the parties.”

- (2) Threatening, assaulting, molesting, harassing, attacking or otherwise disturbing the peace of the plaintiff;
- (3) Entering the family residence or the residence of the plaintiff, including the land immediately surrounding and associated with the residence;
- (4) Repeatedly and without reasonable cause:
 - (a) Following the plaintiff; or
 - (b) Being at or in the vicinity of the plaintiff's home, school, business or place of employment;
- (5) Taking, converting or damaging property in which the plaintiff may have a legal interest;
- (6) Having any direct or indirect contact with the plaintiff;
- (7) Engaging in the unauthorized dissemination of certain private images as prohibited pursuant to Title 17-A, section 511-A; or
- (8) Destroying, transferring or tampering with the plaintiff's passport or other immigration document in the defendant's possession; or
- C. Concerning the care, custody or control of any animal owned, possessed, leased, kept or held by either party or a minor child residing in the household and may enjoin the defendant from injuring or threatening to injure any such animal.

....

4. Emergency relief. Emergency relief is available as follows.

- A. When there is no judge available in the District Court having venue or the District Court courthouse is closed and no other provision can be made for the shelter of an abused family or household member or minor child, a complaint may be presented to another District Court Judge or Superior Court Justice. Upon a showing of good cause, as described in subsection 1, the court may enter temporary orders authorized under this section that it considers necessary to protect the plaintiff or minor child from abuse.
- B. If a complaint is presented under this subsection, that complaint and any temporary order issued pursuant to it must be forwarded immediately to the clerk of the District Court having venue for filing.
- C. A temporary order under this subsection remains in effect pending a hearing pursuant to section 4109.

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.

1 PARTIALLY MET

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 injury²¹ as a direct result of a crime²² specified in section 3360 [Definitions], committed within the jurisdiction of the State;

²¹ 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."

²² Me. Rev. Stat. Ann. tit. 5, § 3360(3)(B), (J) defines "crime" to include the following:

B. Has been sexually assaulted within this State in violation of Title 17-A, chapter 11²³ 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 child for commercial sexual exploitation), 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 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. (See [Issue Brief 4.2](#).)

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

○ NOT MET

Maine law does not allow sex trafficked children and youth to vacate delinquency adjudications or criminal convictions for offenses arising from trafficking victimization.²⁴

- 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.

²³ Me. Rev. Stat. Ann. tit. 17-A, § 259-B (Solicitation of child for commercial sexual exploitation), one of Maine's CSEC offenses, is codified under Title 17-A, chapter 11 (Sex Assaults).

²⁴ Although Maine lacks a vacatur law, other forms of post-conviction relief may be available. For example, Me. Rev. Stat. Ann. tit. 15, §2262-A (Special statutory prerequisites for sealing criminal history record information related to engaging in prostitution) allows persons convicted for engaging in prostitution to petition to have their records sealed, stating,

- 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. (See [Issue Brief 4.3.](#))

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

● FULLY MET

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.²⁵

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

Criminal history record information relating to a criminal conviction for engaging in prostitution under Title 17-A, former section 853-A [Engaging in prostitution (repealed)] must be sealed under this chapter if:

- 1. Eligible criminal conviction. The criminal conviction is an eligible criminal conviction;
- 2. Time since sentence fully satisfied. At least one year has passed since the person has fully satisfied each of the sentencing alternatives imposed under Title 17-A, section 1502, subsection 2 [Authorized sentences] for the eligible criminal conviction; and
- 3. Other convictions. The person has not been convicted of a violation of Title 17-A, section 852 [Aggravated sex trafficking], 853 [Sex trafficking], 853-B [Engaging person for prostitution] or 855 [Commercial sexual exploitation of minor or person with mental disability] or for engaging in substantially similar conduct in another jurisdiction.

The text of Me. Rev. Stat. Ann. tit. 15, § 2262-A cited here and elsewhere in this report includes amendments made by the enactment of House Proposal 932 during the First Special Session of the Maine state legislature (effective October 25, 2023).

²⁵ 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."

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:

- (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.

● FULLY MET

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 person²⁶ 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.

²⁶ 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.

1 PARTIALLY MET

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 lengthened or eliminated. 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 section²⁷ 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.

²⁷ 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: Strengthen existing law to allow prosecutions for child sex trafficking and CSEC offenses to commence at any time and eliminate the statute of limitation for filing trafficking-specific civil actions. (See [*Issue Brief 4.6.*](#))



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

Policy Goal 5.1

Non-testimonial evidence may be admitted through a child sex trafficking-specific hearsay exception to reduce reliance of victim testimony.

PARTIALLY MET

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.

Further, video-recorded forensic interviews may be admissible. Pursuant to Me. Rev. Stat. Ann. tit. 16, § 358(3)²⁸ (Recordings of protected person),

This section establishes an exception to the hearsay rule under the Maine Rules of Evidence, Rule 802, for the recording of a forensic interview of a protected person.²⁹ A party seeking to offer all or a portion of a recording of a forensic interview of a protected person into evidence shall file a motion in limine. After providing all parties the opportunity to be heard on the motion, the court shall determine whether, in addition to satisfying all of the requirements of this section, the following criteria have been met:

- A. The interview was conducted by a forensic interviewer;
- B. Statements made by the protected person during the forensic interview were not made in response to suggestive or leading questions;
- C. A relative of the protected person was not present in the room during the substantive phase of the interview;
- D. An attorney for any party in a proceeding with the protected person was not present in the room with the protected person during the interview;
- E. The recording is both visual and audio;

²⁸ The text of Me. Rev. Stat. Ann. tit. 16, § 358 cited here and elsewhere in this report includes amendments made by the enactment of Legislative Draft 765 during the 2023 Regular Session of the Maine state legislature (effective October 25, 2023).

²⁹ Me. Rev. Stat. Ann. tit. 16, § 358(1)(C)(1) defines “protected person” to include “a person who at the time of a recording of a forensic interview: (1) Has not attained 18 years of age.”

- F. The recording is a fair and accurate representation of the statements made by the protected person and has not been altered except for purposes of admissibility;
 - G. In a criminal matter, the protected person is available to testify or be cross-examined by any party and is called as a witness by the party offering the recording in evidence immediately following the presentation of the recording to the trier of fact and made available for cross-examination, unless all other parties expressly waive the requirement that the witness testify; and
 - H. The portion of the interview to be admitted in evidence is relevant pursuant to the Maine Rules of Evidence, Rule 401, and is not otherwise inadmissible under the Maine Rules of Evidence.
- In the event that the protected person was the subject of more than one forensic interview, the exception to hearsay established under this subsection does not apply to statements from more than one forensic interview related to the same event or incident.

As noted above, however, this exception only protects children who had a forensic interview.

- 5.1.1 Recommendation: Strengthen existing hearsay protections to expressly apply in all child sex trafficking and CSEC cases. (See [Issue Brief 5.1.](#))

INSIGHTS FROM THE FIELD

“A new law in Maine allows forensic interviews from Children's Advocacy Centers to be admissible in civil and criminal cases. Because CACs are where investigations of commercial sexual exploitation of children occur, this allows detailed, neutral interviews of CSEC to be admitted into evidence. We specifically chose to use CAC interviews because they are more powerful evidence which we feel are more likely to lead to findings of sexual abuse versus say a statement to a friend or parent. In addition, CACs cover the entire state so all cases of CSEC are referred to a CAC for a full interview. Therefore, this will cover all CSEC cases moving through the court system because of the broad nature of who is defined as mandated reporters in Maine—law enforcement, sexual assault advocates, even judges.”†

†This information was gathered through our Insights from the Field process and was anonymized at the contributor's request.

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

○ NOT MET

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. (See [Issue Brief 5.2.](#))

INSIGHTS FROM THE FIELD

“Please see new law above [included under Policy Goal 5.1].”†

†This information was gathered through our Insights from the Field process and was anonymized at the contributor's request.

Policy Goal 5.3

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

○ NOT MET

	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. (See [Issue Brief 5.3.](#))

Policy Goal 5.4

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

🕒 PARTIALLY MET

Maine state law does not provide for privileged communications between caseworkers and child sex trafficking victims specifically. However, child sex trafficking victims may benefit from privileged communications protections afforded to sexual assault victims and sexual assault counselors. Further, state law protects communications made between certain mental and behavioral health professionals and patients, broadly, allowing child sex trafficking victims who receive services from such professionals to benefit from the privilege.

Statute	Professional	Relevant Limitations
Me. Rev. Stat. Ann. tit. 16, § 53-A(2) (Privileged communications to sexual assault counselors)	Sexual assault counselors	Limited to certain CSEC victims who receive services from a sexual assault counselor. ³⁰
Me. Rev. Stat. Ann. tit. 32, § 13862 (Privileged communication)	Social worker, licensed professional counselor, psychologist, school counselor	None.
Me. Rev. Stat. Ann. tit. 32, § 7005 (Communications between social workers and clients)	Social worker	None.
Me. Rev. Stat. Ann. tit. 20-A, § 4008 (Privileged communications)	School counselor, social worker	None.
Me. R. Evid. § 503(b)(1), (2) (Health care professional–, Mental health professional–, and Licensed counseling professional–patient privilege)	Mental health professional, licensed professional counselor	None.

³⁰ While “sexual assault” is not defined within the section, Me. Rev. Stat. Ann. tit. 17A, §§ 252–261 outlines the offenses falling within the “sexual assault” chapter which includes Me. Rev. Stat. Ann. tit. 17A, § 259-B (Solicitation of child for commercial sexual exploitation).

- 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. (See [*Issue Brief 5.4.*](#))



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.

○ NOT MET

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. (See [Issue Brief 6.1](#).)

INSIGHTS FROM THE FIELD

“Child Welfare Policies can be found at <https://www.maine.gov/dhhs/ocfs/about-us/child-and-family-policy>

2.2 Child Protection Investigation
IV.D-2B. Human Trafficking & Commercial Sexual Exploitation of Children (HTCSEC) Policy”

*-Bobbi L. Johnson, LMSW, Associate Director of Child Welfare Services
Office of Child and Family Services, Department of Health and Human Services*

Policy Goal 6.2

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

○ NOT MET

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. (See [Issue Brief 6.2](#).)

Policy Goal 6.3

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

○ NOT MET

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. (See [Issue Brief 6.3](#).)

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

○ NOT MET

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. (See [Issue Brief 6.4.](#))

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

○ NOT MET

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. (See [Issue Brief 6.5.](#))

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

○ NOT MET

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. (See [Issue Brief 6.6.](#))

KEYSTONE STATUTES

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 prostitution³¹ 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)³² (Sex trafficking) states,

A person is guilty of sex trafficking if:

A. The person knowingly promotes prostitution.³³ 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 [Aggravated sex trafficking], 853-B [Engaging person for prostitution] or 855 [Commercial sexual exploitation of minor or person with mental disability] 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.

³¹ Me. Rev. Stat. Ann. tit. 17-A, § 851(2) (Definitions) defines “promotes prostitution” as follows:

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.

³² The text of Me. Rev. Stat. Ann. tit. 17-A, § 853 cited here and elsewhere in this report includes amendments made by the enactment of Legislative Draft 1435 during the 2023 Regular Session of the Maine state legislature (effective October 29, 2023).

³³ See *supra* note 31 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)³⁴ (Commercial sexual exploitation of minor or person with mental disability) states,

A person is guilty of commercial sexual exploitation of a minor if:

A. The person, in return for an act of prostitution,³⁵ gives, offers to give or agrees to give a pecuniary benefit either to the person being prostituted or to a 3rd person and the person being prostituted has not in fact attained 18 years of age or the person knows or believes that the person being prostituted 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-B³⁶ (Solicitation of child for commercial sexual exploitation) states,

1. A person is guilty of soliciting a child for commercial sexual exploitation 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 an act of prostitution, as defined in section 851³⁷ [Definitions].

2. Violation of this section 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).

³⁴ See *supra* note 4.

³⁵ 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 being prostituted or a 3rd person.” See *supra* note 5.

³⁶ See *supra* note 6.

³⁷ See *supra* note 22 for the definition of “prostitution.”

RESOURCES

REPORT CARDS PROJECT: For more information on the Report Cards Project, visit reportcards.sharedhope.org.

TOOLKIT: To see how your state compares, visit reportcards.sharedhope.org/toolkit.

ISSUE BRIEFS: To better understand a policy goal, visit reportcards.sharedhope.org/issue-briefs.

SURVEY CHARTS: To see where the nation stands as a whole on a particular issue, visit reportcards.sharedhope.org/state-survey-charts.

HIGHLIGHTED RESOURCES

Community-Based Services White Paper



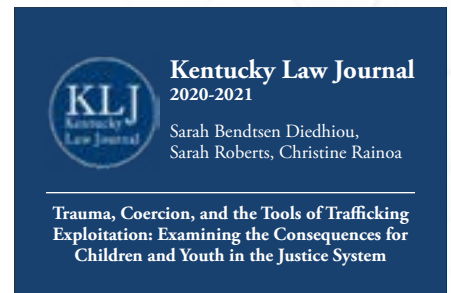
This white paper discusses the importance of providing comprehensive, trauma-informed services to all child sex trafficking victims, regardless of system involvement, and provides examples of state statutory responses.

Victim-Offender Intersectionality Report



This report examines the phenomenon of sex trafficking survivors entering the criminal justice system for allegedly engaging in sex trafficking conduct and provides tools for criminal justice stakeholders to assist in identifying and responding to these cases in a trauma-informed manner.

Trauma, Coercion, and the Tools of Trafficking Exploitation



This law journal article examines the harms of relying on a juvenile justice-based response for serving child sex trafficking victims, the importance of enacting strong non-criminalization laws, the intertwined nature of sex trafficking victimization and criminalized conduct, and the importance of using a trauma-informed lens in response.

TECHNICAL ASSISTANCE

For legislators and policy advocates assisting elected officials in creating legislation, request a consultation with our Policy Team online at sharedhope.org/legislative-technical-assistance. We will set up a meeting to discuss your legislative goals and create a customized plan for ongoing technical assistance, bill drafting services, and legislative support.

ADVOCACY ACTION CENTER

The Advocacy Action Center is an online resource that allows individuals to join the fight against child sex trafficking either through legislator engagement or by signing a petition. For more information, visit act.sharedhope.org/actioncenter.



Contact your legislators, letting them know you want greater protections for child sex trafficking victims and increased accountability for their exploiters.



Sign a petition to show your support for issues that advance justice for child sex trafficking survivors.



Help end the criminalization of child sex trafficking survivors! Several states can still criminalize child sex trafficking victims for prostitution. Sign the petition to show your support for changing these laws.