MAINE REPORT CARD | 2017



Maine's sex trafficking law does not require proof of force, fraud, or coercion when the victim is a minor. The state allows victims who prove compulsion to assert an affirmative defense to prostitution charges but provides low penalties for buyers and facilitators.

Final Score	00		2			P
Final Grade	7.5	15 25	12.5 15	<u>6</u>	11.5 27.5	7.5 15

Criminalization of Domestic Minor Sex Trafficking

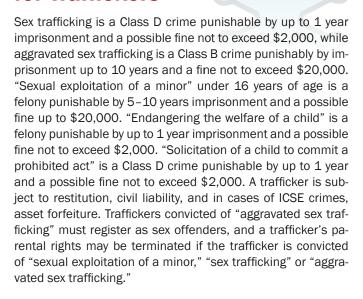
Maine's sex trafficking law does not require proof of force, fraud, or coercion when the victim is a minor. The state commercial sexual exploitation of children (CSEC) laws include: "patronizing prostitution of minor or person with mental disability," "sexual exploitation of a minor under 16 years of age through pornography," "endangering the welfare of a child," "solicitation of a child to commit a prohibited act," and "solicitation of a child to engage in prostitution." Maine's prostitution law refers to the sex trafficking law through an affirmative defense for victims of sex trafficking, but victims must prove they were compelled to commit the prostitution offense. Maine has not enacted a racketeering statute that could be used to prosecute sex trafficking enterprises.

Criminal Provisions for Demand



Limited options exist to prosecute buyers under Maine law. The sex trafficking law does not criminalize the purchase of sex with minors. However, a CSEC law, "patronizing prostitution of a minor," includes the crime of buying sex with a minor, and another criminalizes the solicitation of a child for prostitution. State solicitation laws distinguish soliciting an adult versus a minor for commercial sex by creating distinct offenses and providing higher penalties when a minor victim is involved. However, buyers convicted of patronizing prostitution with a minor or solicitation of a child to engage in prostitution face 0-5 years imprisonment and a fine up to \$5,000, which fails to reflect the seriousness of the offense. Buyers may be prosecuted for patronizing prostitution of minor without regard to their knowledge of the minor's age, but enhanced liability applies if the offender knew the victim was under 18. Maine has no statute or heightened penalties for using the Internet to purchase commercial sex acts from a minor. Buyers could be subject to restitution for economic losses of the victim and forfeiture of all computer equipment for images of child sexual exploitation (ICSE) offenses. Buyers of sex with minors are required to register as sex offenders if convicted of "patronizing prostitution of a minor" or any offense requiring registration under the federal Adam Walsh Act.

Criminal Provisions for Traffickers

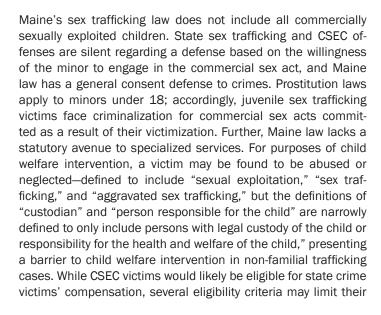


Criminal Provisions for Facilitators

Facilitators who benefit from the prostitution of a minor may be guilty of "aggravated sex trafficking" and subject to imprisonment up to 10 years and a possible fine not to exceed \$20,000. Disseminating ICSE is a felony punishable by a maximum of 5 years imprisonment and a possible fine up to \$5,000. Though

not mandatory, the facilitator may be ordered to pay restitution to the victim. If convicted of an ICSE offense, a facilitator is subject to asset forfeiture; however, asset forfeiture does not apply to other facilitator crimes. No laws in Maine address sex tourism.

Protective Provisions for the Child Victims



ability to recover, including a bar to recovery for contributory conduct or non-cooperation with law enforcement. Further, state law requires the crime to be reported within five days and a claim to be filed within three years unless good cause is shown. Victimfriendly court procedures may be available to CSEC victims, and the "rape shield law" includes all cases of sexual misconduct to limit traumatizing cross-examination of testifying victims. Maine law does not provided a mechanism for minors to vacate delinquency adjudications related to their trafficking victimization, and juvenile records may only be sealed after a 3 year waiting period. Restitution for economic loss is available to all CSEC victims. Civil remedies are available to sex trafficking victims. A civil cause of action for sex trafficking must be brought within 10 years of the time that the victim was freed from the trafficking situation. Criminal actions must be brought within three or six years depending on the classification of the offense, and CSEC crimes do not have extended statutes of limitations.

Criminal Justice Tools for Investigation and Prosecution

Law enforcement training on human trafficking is not mandated or expressly authorized under Maine law. Single party consent to audiotaping is permitted; however, Maine does not authorize wiretapping for any offenses. Two CSEC offenses prohibit a defense based on the use of a law enforcement decoy posing as a minor to investigate attempts to buy or sell commercial sex acts with a child. No law specifically authorizes use of the Internet to investigate buyers and traffickers. Maine requires a statewide reporting and response system for missing children.

The Report Card is based on the Protected Innocence Challenge Legislative Framework, an analysis of state laws performed by Shared Hope International, and sets a national standard of protection against domestic minor sex trafficking. To access the Protected Innocence Challenge Legislative Framework Methodology, all state Report Cards, and foundational analysis and recommendations, please visit: www.sharedhope.org/reportcards.