



Janet T. Mills
GOVERNOR

STATE OF MAINE
OFFICE OF THE GOVERNOR
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AUGUSTA, MAINE
04333-0001

June 28, 2021

The 130th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 130th Legislature:

By the authority conferred by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing L.D. 1592, *An Act to Remove Punishments for Sex Selling and Decrease Demand by Increasing Penalties for Sex Buying*.

As Governor, as Attorney General, as a former defense attorney, and as a former District Attorney, I have long been concerned about the prevention of human trafficking, the prosecution of traffickers, and the protection of survivors.

Beginning in 2007, the Attorney General's Office hosted a Working Group on Human Trafficking, meeting with the US Attorney's Office, victim advocates, law enforcement, legislators, Immigration & Customs officials, Dept. of Justice Civil Rights personnel, and others.

In its 2010 report the working group determined that many in law enforcement were unaware of the true nature of human trafficking, so they helped develop a curriculum for the Maine Criminal Justice Academy, and this curriculum is now part of the mandatory field training for all law enforcement officers.

The group also encouraged more aggressive community education, including outreach to those most likely to encounter evidence of human trafficking — not just the police, but postal delivery people, real estate agents, cosmetologists, hair dressers, landlords and others who should be alert to signs that someone is being held to do the bidding of others.

The group recommended more training and awareness of human trafficking for prosecutors, judges, defense attorneys, as well as outreach to civic organizations, teachers, doctors, nurses and ambulance personnel.

With the help of the Criminal Law Advisory Commission, the Maine Criminal Code was amended to specifically define "human trafficking." It is now a Class B felony to traffick a person under the age of 18 or to compel prostitution by using force or threats or extortion or withholding alcohol or drugs to an addicted person, or withholding government IDs or threatening deportation.



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Additionally, a law enacted in 2014 increases and mandates certain fines for human trafficking and allows survivors to access the Victims Compensation Fund administered by the Attorney General's Office.

As Attorney General, I used settlement funds to establish the first emergency safe-house for survivors of human trafficking. I also sponsored a public education outreach campaign to combat human trafficking, and I worked with other Attorneys General to pressure entities like Craigslist, Google, and Backpage.com to end human trafficking on their sites. I joined a multi-state coalition urging Congress to affirm law-enforcement authority to fight sex trafficking.

As Governor, I signed onto the U.S. Department of Transportation's "Transportation Leaders Against Human Trafficking" initiative that calls on the transportation industry to educate members on how to recognize and report signs of human trafficking and to raise awareness among the traveling public about human trafficking.

Additionally, my Administration has taken steps to address some of the underlying issues that affect human trafficking, including expanding Medicaid to provide health care services to more people, including victims of crime, and expanding access to treatment options generally for those who are struggling with addiction. The state budget includes additional funds for sexual assault services, and other bills enhance remedies and services for survivors of sex crimes and domestic violence.

The sponsor of L.D. 1592 has worked hard to address the problem of human trafficking, and I agree that we as a State and as a nation should continue to reduce human trafficking and protect survivors of human trafficking. However, I am not convinced that the approach of this bill is the best path forward.

L.D. 1592 proposes to eliminate penalties for a person engaging in prostitution, increase penalties for a person who engages with a prostitute, and set forth a process for a person who was previously convicted of engaging in prostitution to have their criminal record sealed. Currently engaging in prostitution is a Class E crime, but is punishable only with a fine, while engaging with a prostitute is Class E crime, absent other aggravating factors, and is punishable with jail time. L.D. 1592 would eliminate all penalties for engaging in prostitution and would make engaging a prostitute a Class D crime. (The bill would also increase the penalty for solicitation of a minor to engage in prostitution from a Class D to a Class C crime).

The testimony on this bill from survivors of human trafficking was divided. While some hope this bill will protect the survivors of human trafficking, a goal I share, others fear that sex traffickers will use decriminalization of prostitution as a way to entice more people into their trade; telling their victims that what they are doing is not a problem – a concern that I believe is also legitimate. The concern for the prevalence of human trafficking in Maine has rightly grown in recent years, in part as the Legislature has focused on this problem and police and prosecutors better recognize when a person is being compelled to engage in prostitution. This has allowed us to rightly begin viewing and treating the person as a survivor and provide that person with appropriate services – an approach that I believe is appropriate.



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Another bill, L.D. 1455, which recently became law, and which conflicts with this bill, expands the affirmative defense of engaging in prostitution if the person did so to “prevent bodily injury, serious economic hardship or another threat to the person or another person.” In my view, the approach taken under L.D. 1455 is a more measured approach for promoting both public safety and compassion for survivors of sex trafficking.

No state in the nation has fully legalized commercial sex work. Even in Nevada, known as the only state to have legal commercial sex work, prostitution is still illegal outside regulated designated facilities in a single county. By contrast, this bill would make Maine the first state in the nation to eliminate all penalties for engaging in sex for money.

While engaging in prostitution is not now a jailable offense in our state, and while courts and prosecutors strive to treat prostitution as a social services issue rather than a criminal problem, fully decriminalizing prostitution, I fear, will only increase demand and encourage the exploitation of young people by those who profit from the mistreatment of others, undermining the free will of those trapped in difficult and sometimes tragic circumstances.

For these reasons I return L.D. 1592 unsigned and vetoed and urge the Legislature to sustain this veto.

Sincerely,



Janet T. Mills
Governor



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