APPENDIX A

Authorizing Legislation, Resolves 2005, Chapter 200

RESOLVES
Second Regular Session of the 122nd

CHAPTER 200
H.P. 893 - L.D. 1296

Resolve, To Create the Human Trafficking Task Force

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Human Trafficking Task Force is necessary to propose appropriate criminal statutes and to develop methods for a coordinated approach to assisting victims of human trafficking; and

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Task force established. Resolved: That the Human Trafficking Task Force, referred to in this resolve as "the task force," is established; and be it further

Sec. 2. Task force membership. Resolved: That the task force consists of 12 members appointed as follows:

1. One member of the Senate, appointed by the President of the Senate;

2. One member of the House of Representatives, appointed by the Speaker of the House;

3. The Attorney General, or the Attorney General's designee;

4. The Commissioner of Health and Human Services, or the commissioner's designee;

5. The Commissioner of Public Safety, or the commissioner's designee;

6. The Commissioner of Labor, or the commissioner's designee;

7. A representative of health care providers, appointed by the President of the Senate;

8. A representative of local law enforcement, appointed by the Speaker of the House;

9. A representative of social service agencies, appointed by the President of the Senate;

10. A representative of advocates for refugee and immigrant women, men and children, appointed by the Speaker of the House;

11. A representative of providers of services and support for survivors of domestic violence, appointed by the President of the Senate; and

12. A representative of providers of services and support for survivors of sexual assault, appointed by the Speaker of the House; and be it further

Sec. 3. Chairs. Resolved: That the Senate member is the Senate chair of the task force and the House member is the House chair of the task force; and be it further

Sec. 4. Appointments; convening of task force. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. Within 15 days after appointment of all members and notification by the Executive Director of the Legislative Council that sufficient funding has been received, the chairs shall call and convene the first meeting of the task force; and be it further

Sec. 5. Duties. Resolved: That the task force shall study human trafficking and make recommendations to combat the trafficking of human beings across state borders and into the State for sexual and labor exploitation. The task force shall:

1. Review human trafficking laws and legislation in other jurisdictions;

2. Recommend proposed statutory language that criminalizes the trafficking of women, men and children into the State from other countries. The proposed language must: protect from prosecution the women, men and children who have been trafficked into this State; prohibit the trafficker's assertion of the victim's consent as a defense; and hold responsible a landowner or employer who knew or should have known that trafficking was occurring on the premises over which the landowner or employer exerted control;

3. Identify available federal, state and local programs that provide services to victims of trafficking that include, but are not limited to, health care, human services, housing, education assistance, job training preparation, interpreting services, English as a second language classes and immigration services;

4. Collect research and information on trafficking victims and evaluate state and local government approaches to increasing public awareness of the trafficking in persons;

5. Review antitrafficking legislation considered and enacted in other states such as Hawaii, Washington and Texas, including legislation designed to regulate "bride trafficking" and "international matchmaking organizations";

6. Work with prosecutors and law enforcement officials to develop methodologies for data collection and strategies to reduce barriers faced by victims of trafficking who might seek assistance; and

7. Make recommendations on methods to provide a coordinated system of support to persons who are victims of trafficking; and be it further

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the task force; and be it further

Sec. 7. Compensation. Resolved: That the legislative members of the task force are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the task force. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of the task force; and be it further

Sec. 8. Report. Resolved: That, no later than November 30, 2006, the task force shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the First Regular Session of the 123rd Legislature. The task force is authorized to introduce legislation related to its report to the First Regular Session of the 123rd Legislature at the time of submission of the report; and be it further

Sec. 9. Extension. Resolved: That, if the task force requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension; and be it further

Sec. 10. Task force budget. Resolved: That the task force shall seek outside funds to fully fund all costs of the task force. If sufficient outside funding has not been received by September 15, 2006 to fully fund all costs of the task force, no meetings are authorized and no expenses of any kind may be incurred or reimbursed. Contributions to support the work of the task force may not be accepted from any party having a pecuniary or other vested interest in the outcome of the matters being studied. Any person, other than a state agency, desiring to make a financial or in-kind contribution must certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the study. The certification must be made in the manner prescribed by the Legislative Council. All contributions are subject to approval by the Legislative Council. All funds accepted must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of the funds, the date the funds were received, from whom the funds were received and the purpose of and any limitation on the use of the funds. The Executive Director of the Legislative Council shall administer any funds received by the task force. The Executive Director of the Legislative Council shall notify the chairs of the task force when sufficient funding has been received. Within 10 days after its first meeting, the task force shall present a work plan and proposed budget to the Legislative Council for its approval. The task force may not incur expenses that would result in the task force's exceeding its approved budget; and be it further

Sec. 11. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

LEGISLATURE

Study Commissions - Funding 0444

Initiative: Provides an Other Special Revenue Funds allocation to the Legislature in the event outside funding is received for the Human Trafficking Task Force.

OTHER SPECIAL REVENUE FUNDS 2005-06 2006-07

Personal Services $0 $440
All Other $0 $2,400

OTHER SPECIAL REVENUE
FUNDS TOTAL $0 $2,840

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

Effective April 28, 2006.

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APPENDIX B

Membership list, Human Trafficking Task Force

Human Trafficking Task Force

Resolve 2005, Chapter 200

Tuesday, December 12, 2006

Appointment(s) by the President

Sen. Bill Diamond - Chair
261 Windham Center Rd.
Windham, ME 04062
207 892-8941

Senate Member

J. Elizabeth Mitchell
465 Congress Street
6th Floor
Portland, ME 04101
207 775-7010

Representing Health Care Providers

Deborah Shepherd
Family Violence Project
P.O. Box 304
Augusta, ME 04332-0304
207 623-8637

Representing Service Providers of Survivors of Domestic Violence

Catherine J. Stakeman DSW, MSW
5 Pine Street
Brunswick, ME 04011
207 622-7592

Representing Social Service Agencies

Appointment(s) by the Speaker

Rep. Marilyn E. Canavan - Chair
28 May Street
Waterville, ME 04901
207 872-6221

House Member

Laurent Gilbert Sr.
Maine Institute for Public Safety Innovation
University of Maine at Augusta 46 University Drive
Augusta, ME 04330
207 621-3068

Representing Local Law Enforcement

Juan Perez-Febles Director
Div. of Migrant & Immigrant Services
Dept. of Labor 185 Lancaster Street
Portland, ME 04161

Representing Advocates for Refugees & Immigrants

Elizabeth Ward Saxl
984 Prescott Road
Manchester, ME 04351

Representing Service Providers of Survivors of Sexual Assault

Attorney General

William R. Stokes
Office of Attorney General
6 State House Station
Augusta, ME 04333
207 626-8571

Designee

Commissioner, Department of Health & Human Services

Noel Bonam Director
Office of Immigrant & Multicultural Services
11 SHS
Augusta, ME 04333-0011
207 287-4272

Designee

Commissioner, Department of Labor

Vanessa Santarelli
Office of the Commissioner
Dept. of Labor 19 Union Street
Augusta, ME 04330
207 287-3055

Designee

Commissioner, Department of Public Safety

Lt. Jackie Theriault
106 Hogan Rd
Bangor, ME 04401
207 624-7097

Or Designee

Staff:

Jane Orbeton 287-1670
OPLA

APPENDIX C

Meeting Notes

Human Trafficking Task Force
Meeting Notes, October 31, 2006

1. Present at the first meeting of the Human Trafficking Task Force were members Diamond, Canavan, Gilbert, Perez-Febles, Santarelli, Stakeman, Shepherd, Mitchell, Theriault, Stokes and Donna Strickler for Sue Hall Dreher. Member Noel Bonam was unable to attend. Jane Orbeton, Office of Policy and Legal Analysis, attended as staff.

2. The co-chairs Bill Diamond and Marilyn Canavan introduced themselves and welcomed members to the task force. Task Force members introduced themselves.

3. Task Force member Larry Gilbert and Sarah Walton, assistant professor of criminal justice at UMA, discussed human trafficking with the Task Force. They provided a definition and distinguished human trafficking from smuggling. Sarah and Larry provided model laws for the Task Force to review. Task Force members identified as issues: the need for training and awareness, no state prosecutions in past years, the involvement of migrant and immigrant workers and more general labor and child labor exploitation, the connection to mom and pop operations and to organized crime and illegal drugs, the involvement of discrimination, our history of punishing and deporting the victim rather than treating the victim as exploited and as a valuable witness and person, the need for innovative ways to reach out to trafficked workers, and the trafficking technique of withholding a worker's documents from them.

4. Task Force members offered the following suggestions: education and collaborative approaches to providing services for victims with existing resources, training for law enforcement and public education for the general public, the need for centralized information and good data on trafficking situations, victims and prosecutions, the civil rights approach of designated officers in each police department and reporting to the Attorney General's Office, what happens to the victim during prosecution, trial and after trial, possible mandatory training for law enforcement on human trafficking, building effective collaboration between law enforcement and social service providers in our communities, and possible costs to service providers.

5. Task Force members asked for the following information:
    - model legislation (Jane),
    - the visa status of the Ukrainian woman victim that Sarah mentioned (Sarah),
    - trafficking reports from Ohio, Minnesota and Connecticut (Jane),
    - ideas for imposing civil penalties and asset forfeiture (Jane),
    - invitation to the US Attorney's Office to attend the next meeting and comment on model laws and other state laws and human trafficking in Maine (Jane),
    - whether other states have standardized complaint forms regarding human trafficking, the costs of trafficking prosecutions and services to the victims before and after trial (Jane),
    - whether other states saw an increase in prosecutions after passing new laws and the costs to the states (Jane),
    - recent developments and any costs from the Asian spa prosecutions in Rhode Island (Larry),
    - copies of the NY Times article on child labor (Jane, from Elizabeth), and

- copies of the Public Affairs article on human trafficking (Jane, from Deborah).

*****Child Labor Forum December 5 in Bangor*****

Future Meetings of the Human Trafficking Task Force
Thursday, November 9, 10am to 3pm, Room 209, Cross State Office Building (usual location)
Thursday, November 16, 10am to 3pm, Room 202, Cross State Office Building (new location)
Wednesday, November 29, 10am to 3pm, Room 209, Cross State Office Building (usual location)

Human Trafficking Task Force
Meeting Notes, November 9, 2006

1. Present at the second meeting of the Human Trafficking Task Force were members Bonam, Gilbert, Perez-Febles, Santarelli, Stakeman, Shepherd, Mitchell, Theriault, Stokes and Canavan. Members Diamond and Dreher were unable to attend. Jane Orbeton, Office of Policy and Legal Analysis, attended as staff.

2. The chair Marilyn Canavan welcomed members to the Task Force. Task Force members introduced themselves. Member Noel Bonam introduced himself. Member Larry Gilbert introduced visitors who attended the meeting, one with experience in human trafficking in Albania and one with law enforcement experience in Korea. The Task Force viewed the Channel 13 report from November 3 on the work of the Task Force and human trafficking in Maine and the US.

3. Task Force members reviewed information requested at the 1st meeting. This information included the following topics: reports from other states' task forces, other states' laws and experience with prosecutions and victims' services, complaint forms and data collection, options for civil penalties and asset forfeiture and model laws. Larry read to the group information on mail order bride agencies operating out of Bangor and Winterport.

4. Task Force members discussed additional information needed for the 3rd meeting.
   - Noel will get more information on the Human Trafficking Working Group.
   - Jackie will find out when the Department of Justice survey on human trafficking in the states will be made public. The web address is http://www.irj.neu.edu/projects/criminal_justice/.
   - Jane will contact the Center for Women's Policy Studies to find out what additional information and recent studies they have and what assistance they can provide to states.
   - Bill Stokes will send Jane information on the statewide victim/witness advocate organization.
   - All Task Force members will consider the question of who might be included in working groups/consortia on human trafficking, specifically with regard to education, outreach, and victim services. Task Force members will send names to Jane for compilation for the next meeting.
   - All Task Force members will review state laws and model laws. Jane will send the chart on state and model laws for review prior to the next meeting. Members are encouraged to expand the Word table to add other legal issues that they wish included for Task Force consideration.
   - Jane will search out human trafficking information and educational materials to see what is already available and from what sources.

*****Child Labor Forum December 5 in Bangor*****

Future Meetings of the Human Trafficking Task Force
Thursday, November 16, 10am to 3pm, Room 202, Cross State Office Building (new location)
Wednesday, November 29, 10am to 3pm, Room 209, Cross State Office Building (usual location)

Human Trafficking Task Force
Meeting Notes, November 16, 2006

1. Present at the third meeting of the Human Trafficking Task Force were members Gilbert, Perez-Febles, Santarelli, Stakeman, Mitchell, Theriault, Stokes, Canavan and Diamond. Members Dreher, Bonam and Sherherd were unable to attend. Jane Orbeton, Office of Policy and Legal Analysis, attended as staff.

2. The chairs Bill Diamond and Marilyn Canavan welcomed members to the Task Force. Task Force members introduced themselves.

3. The Task Force received information on the federal perspective on human trafficking from Halsey Frank, Esq., Assistant US Attorney and Heather Putnam, Victim Witness Coordinator, US Attorney's Office. The presenters provided handouts on human smuggling and trafficking, services for victims of trafficking crimes and the model state anti-trafficking laws approved by the Department of Justice and spoke of the need to plan for and coordinate services for victims. The presenters were asked for information on prosecutions for crimes related to human trafficking in Maine and other states in the region (ie. involuntary servitude, concealing illegal aliens, smuggling of persons or Mann Act violations).

4. Task Force members received information on the immigrant perspective on human trafficking from Beth Stickney, Esq., Immigrant Legal Advocacy Project, Portland. The presenter spoke in favor of state anti-trafficking laws to increase the options for prosecutions and make continued presence and access for services easier for victims, the weakness of state labor laws in addressing labor exploitation cases, and the use of U and T-visas for victims.

5. Task Force members reviewed information requested at the 2nd meeting. This information included the following topics: information of human trafficking being distributed by other states, the Department of Justice survey on human trafficking, the results of which will not be released until May, information from the Center for Women's Policy Studies, lists of service providers in the State and a list of victim witness advocacy organizations.

6. Task Force members reviewed a list of options for legislative recommendations from the Task Force. Task Force members favored comprehensive legislation that is not overly complex, leaving some issues for later legislation. They favored criminalizing sexual and labor trafficking, with document manipulation as a form of coercion. Human and sexual trafficking would be Class B crimes, except they would be Class A if the victim is a minor or the victim dies in the course of exploitation. They favored using or cross referencing to current criminal restitution and victim rights and compensation laws. They favored directing the AG to work with a broadly representative group on training, coordination of services, public awareness and outreach and data collection with a report to the Legislature in 2008. They favored requiring that prospective spouse information be made available to prospective mail-order brides and prohibiting travel business for commercial sexual purposes.

*****Child Labor Forum December 5 in Bangor*****
Final Meeting of the Human Trafficking Task Force
Wednesday, November 29, 10am to 3pm, Room 209, Cross State Office Building (usual location)

Meeting Notes Human Trafficking Task Force, November 29, 2006
Jane Orbeton, OPLA, November 30, 2006

1. Attendance:
Present were members Rep. Canavan, Stakeman, Shepherd, Gilbert, Bonam, Perez-Febles, Santarelli, Theriault, Stokes, Mitchell. Members Sen. Diamond and Dreher were excused. Jane Orbeton, Office of Policy and Legal Analysis, attended as staff.

2. New information:
Regarding information requested at Meeting #3 Jane reported that the DHHS working group on human trafficking is informal and does not duplicate the work of the Task Force. Jane also reported that Heather Putnam, Victim Witness Coordinator in the US Attorney's Office, is still trying to get from the US Department of Justice information on prosecutions for human trafficking and related federal offenses in the northeastern states. Any information received prior to the finalization of the report will be included in the report. Noel Bonam distributed information from Project Rescue and Restore, the federal anti-human trafficking initiative, from the US Department of Health and Human Services. Information is available in English, Spanish, Chinese, Russian and Polish. Information is available that is designed specifically for health care providers, law enforcement, the public and social service organizations. The website is www.acf.hhs.gov/trafficking.

3. Decisions at the meeting:
Task Force members discussed their recommendations for legislation. In addition to the decisions summarized below, Task Force members agreed to have their report include mention of the federal law prohibiting destruction and withholding of another person's travel documents. Task Force members agreed to include document destruction/withholding as a form of coercion, not as a separate offense.

4. Recommendations for legislation:
A. Criminalize human trafficking
Enact a law criminalizing human trafficking in Title 17-A, chapter 9.

- Define human trafficking to include using force, fraud or coercion for the purposes of sexual and labor exploitation (coercion is implied and need not be proven if the victim is a minor involved in the commercial sex trade).
- Include document violations/manipulation (including purported documents) as forms of coercion.
- Make human trafficking crimes Class B (10 years/$20,000), with enhancement to Class A (30years/$50,000) if victim is a minor forced through bodily injury or psychological coercion or threats to engage in a commercial sex act or if victim is a minor in labor exploitation or if the victim dies in the course of human trafficking.
- Authorize court to order forfeiture of assets acquired as a result of human trafficking.
- Give the human trafficking victim rights, restitution, damages and compensation thru criminal restitution law and victims' compensation fund.
    - **Restitution.** Under Title 17-A, section 1322 amend the definition of "financial or economic loss" to include pay or wages unfairly or illegally withheld from the victim by the offender.

- **Victims' Compensation Fund.** Amend the Victims' Compensation Fund law, Title 5, section 3360, subsection 6, definition of "personal injury" to include psychological injury to a victim of human trafficking without the need for proof of threat of bodily injury.

B. Prohibit commercial sex travel business

Prohibit travel agencies operating within Maine from advertising or arranging for travel for commercial sexual purposes. Amend Title 10 chapter 202-B to broaden it to "prohibited practices," retaining credit card practices and adding the prohibition on advertising or arranging for travel for commercial sexual purposes.

C. Provide notice of access to information in commercial international matchmaking

Require commercial international matchmaking or marriage organizations operating within Maine to inform clients overseas who may be matched with a customer in the US and customers in the US of the right to information on the customer's and client's criminal, marital, protection from abuse and other official records. Enact Title 10, chapter 202-E to define international matchmaking or marriage organizations and require them to provide written notice to all customers and clients in their native languages of the availability of information on marital and criminal records, and protection from abuse/harassment orders and other judicial proceedings regarding the person with whom they may be matched. Make a violation a civil violation, enforceable by the Attorney General, with a penalty of up to $1000 per violation. AG may seek injunctive relief.

D. Working group on human trafficking, reporting January 15, 2008

Direct the Attorney General to convene a working group, consisting of representatives of the Department of Health and Human Services, the Department of Labor and the Department of Public Safety and law enforcement, the Maine Institute for Public Safety Innovation, interested parties, other state agencies and service providers including health care, domestic violence and sexual assault advocates and other social service providers to:

- Develop training for law enforcement and community organizations,
- Develop outreach and public awareness campaigns, including victims' services and special visa status for victims who are undocumented immigrants,
- Work on options and initiatives for data collection, the need for victim/witness laws, coordination of services, and coordination of state and federal victim service programs for benefits, programs and licenses, and
- Report to the Legislature 1/15/08.

APPENDIX D

State Laws Regarding Human Trafficking

State Laws Regarding Human Trafficking (HT)

Jane Orbeton, OPLA, September 21, 2006

State	Description (Human trafficking = HT) (Sex trafficking = ST)	Date
Alaska	1st degree HT is Class A felony. 2nd degree HT is Class B felony. Prohibits procurement from countries listed as Tier 3 in State Department trafficking report. 2nd degree promotion of prostitution includes person who sells, offers, advertises, promotes or facilitates travel that includes commercial sexual conduct as an enticement for travel.	2006 2006
Arizona	ST of a minor under age 15 is 1st degree felony. Attempted ST of a minor is 2nd degree felony. Establishes as new Class 2 felonies: ST and trafficking of persons for forced labor or services; and new Class 4 felony: unlawfully obtaining labor or services. Court is required to order victim restitution.	2005
Arkansas	Trafficking in persons for involuntary servitude, peonage, debt bondage, slavery, marriage, adoption or sexual conduct is Class A felony. Benefiting financially from trafficking is Class A felony.	2005
California	HT for forced labor or services is felony, punishable by 3, 4 or 5 years in prison, or for HT of a minor by 4, 6 or 8 years.	2005
Colorado	Trafficking in adults (16 and over) is a Class 2 felony. Trafficking in minors under age 16 is a Class 3 felony. Trafficking defined as sells, exchanges, barters or leases an adult or receives money or other consideration or thing of value for a person.	2006
Connecticut	Trafficking in a person is a Class B felony. Trafficking victim may bring a civil suit to recover penalties, actual damages and statutory damages. Funds a training program for law enforcement and community organizations.	2006
Florida	ST is a 1st degree felony for parents, legal guardians or others with custody of a minor who sell, transfer custody, or offer to sell or transfer custody of the minor for the purpose of ST or prostitution. Establishes as 2nd degree felonies: obtaining forced labor and anyone who participates in ST or HT for the purposes of forced labor or prostitution. Establishes as 1st degree felony ST that results in death or involves a person under age 14. Extends definition of forced labor or services to the use of fraud or coercion, isolation, certain debt services, and destruction, concealing, removing, confiscating or withholding of identification documents. Establishes as 2nd degree felony knowingly benefiting from HT. Establishes civil cause of action that allows recovery of triple the profit gained from trafficking. Redefines racketeering for RICO to include HT. Authorizes statewide prosecutions on HT.	2004 2006
Georgia	Establishes felonies for trafficking in persons for labor or sexual servitude, punishable if involving as adult by 1-20 years in prison and if involving a minor by 10-20 years. Allows prosecutions of corporations for trafficking.	2007
Hawaii	Allows persons (recruits) using international matchmaking organizations (IMO's) access to criminal history and marriage information, including protection from abuse orders, of prospective spouse. Requires IMO's to notify recruits of this information in recruit's native language. Punishment is up to $500 fine and 30 days in prison. Class C felony includes knowingly sell or offer to sell travel services that include or facilitate travel for the purpose of engaging in prostitution. Authorizes suspension/revocation of travel agency registration.	2004, 2007 2004
Idaho	HT is a felony, punishable by up to 25 years in prison. Requires report by Idaho AG by 7/1/07 on witness and victim laws. Allows court ordered restitution to trafficking victims and payment for mental and physical rehabilitation of the victim.	2006
Illinois	New felonies: involuntary servitude, involuntary servitude of a minor, and trafficking of persons for forced labor or services. Requires court to order restitution to the victim and forfeiture of assets obtained as a result of servitude or trafficking offenses.	2006
Indiana	ST of a minor is Class A felony. Promoting HT is Class B felony. HT is Class C felony. Requires court to order victim restitution, provides protection to victims, allows some cases to be considered domestic violence cases and some racketeering activity. Requires sentencing study of HT. Requires establishing law enforcement training standards.	2006
Iowa	HT of adults and minors established as felonies. Requires development of HT training standards. Provides for HT victims' rights.	2006

	Requires notice of HT investigating to Iowa AG, further notice to US Dept. of Justice, opening way to some state and federal benefits and visa status for victim.	
Kansas	Trafficking is level 2 felony, level 1 if aggravated trafficking (involves kidnapping or attempted kidnapping, sexual gratification of defendant or another person, death of victim, person is under age 18).	2005
Louisiana	HT is a crime, punishable by fine of up to $10,000 and 10 years in prison. Maximum punishment if HT for commercial sexual activity is $15,000 and 20 years in prison. HT of a minor punishable by fine of up to $25,000 and 5 to 25 years in prison.	2005
Michigan	HT for forced labor or services and financially benefiting from HT are felonies, up to 10 years in prison. Enhanced penalties if HT involves kidnapping or attempt to kidnap, criminal sexual conduct, attempt to commit sexual conduct, injury or death to victim.	2006
Minnesota	Establishes as felonies: labor trafficking, sex trafficking, unlawful conduct with respect to documents in furtherance of labor or sexual trafficking. Labor trafficking punishable by up to 15 years in prison and $30,000 fine. ST punishable by up to 15 or 20 years in prison. Document offense punishable by up to 5 years in prison and $10,000 fine.	2005
Mississippi	HT for forced labor or services, including financial or other benefit, is a felony, punishable by up to 20 years in prison. Trafficking of a minor for commercial sexual activity is punishable by up to 30 years in prison. Document offenses in furtherance of HT are punishable by up to 5 years in prison.	2006
Missouri	ST of a minor is a Class A felony. Abusing an individual thru forced labor and trafficking for forced labor or sexual exploitation are Class B felonies. Misuse of documents for HT is Class D felony. Court required to order restitution to victim. TVPAAA rights to victims. Requires international matchmaking organizations (IMO's) to provide information to potential recruits in recruit's native language about availability of criminal history and marriage history information and to provide notice about human rights, immigration, emergency and legal aid. Failure to provide information and providing incomplete and inaccurate information are Class D felonies. Class C felony includes knowingly sell or offer to sell travel services that include or facilitate travel for the purposes of engaging in prostitution. Authorizes revocation of articles of incorporation and freezing bank and deposit assets.	2005 2005 2006
New Jersey	HT for engaging in sexual activity or providing labor or services is a 1st degree felony, maximum penalty 20 years without parole or up to life in prison with parole after 20 years. Court must order restitution to victim and may order forfeiture of assets related to the trafficking violation. Assistance to victim.	2005
South Carolina	HT for forced labor or services is a felony, punishable by up to 15 years in prison.	2006
Texas	Trafficking or transporting minors under age 14 or trafficking that results in the death of the victim are 1st degree felonies, 5 to 99 years in prison. Other HT is 2nd degree felony, 2 to 20 years in prison. International matchmaking organizations (IMO's) must provide information to recruits in recruit's native language about criminal history and marriage history of IMO clients. IMO must pay for translation costs. Civil penalty to the IMO of up to $20,000 per violation.	2003 2003
Virginia	Class 5 felony includes threatening reporting of illegal immigration status for the purposes of extorting money.	
Washington	Class A felonies include 1st and 2nd degree ST or labor trafficking. Sentence up to 14 years in prison for 1st degree. Up to 9 years in prison for 2nd degree. Degree depends on age, kidnapping, death of victim, severity of charge. Victims may sue for damages and costs of suit. Court may levy a civil fine of up to $250,000. International matchmaking organizations (IMO's) must provide information to foreign women (potential recruits) about the availability of criminal and personal history background information on clients and must provide information upon request. Class C felony includes knowingly sell or offer to sell travel services that include or facilitate travel for the purpose of prostitution. Prohibits sellers of travel from promoting or advertising travel services for the purpose of engaging in a commercial sex act.	2003 2002 and 2003 2006

APPENDIX E

Task Force Legislation

Human Trafficking Task Force Legislation-2

1. Enact involuntary servitude and human trafficking crimes in Title 17-A, Chapter 9-A.

Sec. A-1. 17-A MRSA, chapter 9-A is enacted to read:

CHAPTER 9-A
INVOLUNTARY SERVITUDE AND HUMAN TRAFFICKING OFFENSES

§221. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. "Commercial sexual activity" means a sex act, sexual contact or sexual touching as defined in section 251, or sexually-explicit performance for which anything of value is given to, promised to or received by a person.

2. "Debt bondage" means the status or condition of a debtor arising from a pledge by the debtor of the debtor's personal services or those of a person under the debtor's control as security for debt if the value of those services as reasonably assessed is not applied toward the payment of the debt or the length and nature of the services are not limited and defined.

3. "Force, fraud or coercion" means, but is not limited to, the following:

A. Causing or threatening to cause bodily injury to a person;

B. Physically restraining or threatening to physically restrain a person;

C. Abusing or threatening to abuse the law or legal process;

D. Destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document, or other actual or purported government identification document of another person, without the legal right to do so;

E. Using extortion, as described in section 355, subsection 2, including but not limited to using a scheme, plan or pattern intended to cause a person to believe that, if the person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint; or

F. Causing or threatening to cause financial harm including but not limited to through credit extortion, intentional or knowing violation of the Consumer Credit Code or an unfair employment agreement as described in Title 26, section 629.

4. "Forced labor or services" means labor or services, including but not limited to debt bondage, commercial sexual activity, sexual exploitation of a minor and production of pornography, that are performed or provided by another person and are obtained or maintained by the use of force, fraud or coercion.

5. "Human trafficking offenses" means offenses under sections 223 to 225.

6. "Pornography" means any written or printed material, picture, photograph, print, negative, slide, motion picture, computer data file, videotape or other mechanically, electronically or chemically reproduced visual image or material that:

A. To the average individual, applying contemporary community standards and considered as a whole, appeals to the prurient interest;

B. Depicts or describes, in a patently offensive manner, ultimate sexual acts, excretory functions, masturbation or lewd exhibition of the genitals; and

C. Considered as a whole, lacks serious literary, artistic, political or scientific value.

7. "Sexually-explicit performance" means a live or public act or show intended to arouse or satisfy the sexual desires of or appeal to the prurient interests of the audience.

8. "Sexual exploitation of a minor" has the same meaning as described in section 282.

9. "Victim" means a person subjected to the practices prohibited in sections 222 to 225.

§222. Involuntary servitude

1. A person is guilty of involuntary servitude if the person:

A. Intentionally or knowingly subjects another person to forced labor or services; or

B. Intentionally or knowingly benefits financially from or receives anything of value from participating in involuntary servitude.

2. Involuntary servitude is a Class B crime.

§223. Human trafficking

1. A person is guilty of human trafficking if the person:

A. Intentionally or knowingly recruits, entices, harbors, transports, provides or obtains by any means, another person, intending or knowing that the person will be subjected to forced labor or services; or

B. Intentionally or knowingly benefits financially or receives anything of value from participating in a human trafficking offense.

2. Human trafficking is a Class B crime.

§224. Human trafficking of a minor

1. A person is guilty of human trafficking of a minor if the person intentionally or knowingly recruits, entices, harbors, transports, provides or obtains by any means, a minor, intending or knowing that the minor will be subjected to commercial sexual activity, sexual exploitation of a minor or the production of pornography.

2. Human trafficking of a minor is a Class B crime.

§225. Aggravated human trafficking

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

A. Commits human trafficking and the victim of human trafficking dies in the course or as a result of human trafficking; or

B. Commits human trafficking and the victim of human trafficking is a minor.

2. Aggravated human trafficking is a Class A crime.

§226. Inapplicable defenses

1. The following defenses are not defenses to prosecutions under sections 222 to 225:

A. A victim's sexual history or history of commercial sexual activity;

B. A victim's connection by blood or marriage to the defendant or to anyone else involved in the involuntary servitude or human trafficking;

C. Consent of the victim or another person on behalf of the victim to commercial sexual activity;

D. Age of consent to sex or legal age for marriage; and

E. Mistake as to the age of the victim.

2. Enact asset forfeiture in Title 15, section 5821, subsection 9.

Sec. B-1. 15 MRSA §5821, subsection 9 is enacted to read:

9. Assets in involuntary servitude and human trafficking offenses. All assets, including money instruments, personal property and real property used or intended for use in or traceable to involuntary servitude or a human trafficking offense under Title 17-A, chapter 9-A.

3. For the purposes of securing restitution for the victim of involuntary servitude or human trafficking amend definition of "financial or economic loss" in Title 17-A, section 1322 to include pay or wages unfairly or illegally withheld from the victim by the offender.

Sec. C-1. 17-A MRSA §1322, subsection 3, paragraph F is amended to read:

F. "Work loss" means loss of income from work the injured person would have performed if the injured person had not been injured and expenses reasonably incurred by the injured person in obtaining services in lieu of those the injured person would have performed for income, reduced by any income for substitute work actually performed by the injured person or by income the injured person would have earned in available appropriate substitute work the injured person was capable of performing but unreasonably failed to undertake. For a victim of involuntary servitude or a human trafficking offense under chapter 9-A, "work loss" includes pay or wages unfairly or illegally withheld from the victim by the offender, as defined by rules adopted by the Department of Labor.

Sec. C-2. 26 MRSA §637 is enacted to read:

§637. Rulemaking

By January 1, 2008, the Department of Labor shall adopt rules to define "work loss" under Title 17-A, section 1322, subsection 3, paragraph F, for victims of involuntary servitude or human trafficking offenses under Title 17-A, chapter 9-A, who are eligible for restitution. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

4. For the purposes of securing access to the Victims' Compensation Fund for victims of human trafficking, amend the definition of "personal injury" in Title 5, section 3360, subsection 6 to include psychological injury to a victim of human trafficking without the need for proof of threat of bodily injury.

Sec. D-1. 5 MRSA §3360, subsection 3 is amended to read:

3. Crime. "Crime" means one of the following:

A. Offenses against the person as described in Title 17-A, chapter 9;

B. Sexual assaults as described in Title 17-A, chapter 11;

C. Kidnapping and criminal restraint as described in Title 17-A, chapter 13;

D. Robbery as described in Title 17-A, chapter 27;

E. Operating under the influence of intoxicating liquor or drugs or with an excessive blood-alcohol level, as described in Title 29-A, section 2411;

F. An act of terrorism, as defined in United States Code, Title 18, Section 2331, committed outside of the United States against a resident of this State;

G. Leaving the scene of a motor vehicle accident involving personal injury or death, in violation of Title 29-A, section 2252; ~~or~~

H. Sexual exploitation of a minor as described in Title 17-A, chapter 12; or

I. Involuntary servitude or a human trafficking offense as described in Title 17-A, chapter 9-A.

Sec. D-2. 5 MRSA §3360, subsection 6 is amended to read:

6. Personal injury. "Personal injury" means bodily injury as defined in Title 17-A, section 2, subsection 5 or psychological injury incurred by a victim who has sustained the threat of bodily injury. A victim of involuntary servitude or a human trafficking offense under Title 17-A, chapter 9-A is deemed to have suffered personal injury.

5. Prohibit travel agencies from advertising or selling travel for commercial sexual purposes, by amending Title 10, chapter 202-B.

Sec. E-1. Title 10, chapter 202-B is amended to read:

CHAPTER 202-B
PROHIBITED PRACTICES INVOLVING PROVIDERS OF TRAVEL SERVICES

10 § 1141. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Credit card. "Credit card" has the same meaning as "accepted credit card," as defined in Title 9-A, section 8-103, subsection 1, paragraph A.

2. Credit card issuer. "Credit card issuer" has the same meaning as "card issuer," as defined in Title 9-A, section 8-103, subsection 1, paragraph D.

3. Provider of travel services. "Provider of travel services" means a person, firm or corporation engaged in the business of furnishing travel, transportation or vacation services.

3-A. Travel for commercial sexual purposes. "Travel for commercial sexual purposes" means travel, transportation or vacation services provided for the purposes of enabling the customer to engage in prostitution or engage a prostitute as defined in Title 17-A, section 851.

4. Travel agent. "Travel agent" means a person, firm, corporation, partnership or association, other than a common carrier as defined in Title 12, section 6001, subsection 8 or employee of a common carrier, that:

A. Is an officially appointed agent of a common carrier or is a member of a cruise lines association who operates exclusively as an agent for cruise lines in the sale of cruise travel products or services; and

B. As a legal agent for a provider of travel services:

(1) Sells or offers for sale travel, transportation or vacation arrangements;

(2) Negotiates for travel, transportation or vacation services; or

(3) Professes to be by solicitation, advertisement or other means a seller, contractor or arranger for travel, transportation or vacation services.

10 § 1142. Prohibited credit card practice

When a travel agent furnishes travel services to a consumer and the consumer uses a credit card to obtain credit in the transaction, the provider of travel services for which the travel agent is an agent may not as the result of the use of the credit card impose a surcharge on or reduce commissions paid to the travel agent. This prohibition does not apply if the provider of travel services is the issuer of the credit card used in the transaction.

§1143. Remedies

Any person injured as a result of a violation of section 1142 may seek damages and an injunction in a civil action. Any person likely to be injured by a violation of section 1142 may seek an injunction in a civil action. The court may award reasonable attorney's fees to the plaintiff.

§1144. Prohibited travel for commercial sexual purposes

A provider of travel services or travel agent may not advertise or furnish travel, transportation or vacation services for commercial sexual purposes.

6. Require international matchmaking organizations to give notice of public information regarding martial, criminal and other court records, by enacting Title 10, chapter 202-E.

Sec. F-1. Title 10, Chapter 202-E is enacted to read:

CHAPTER 202-E

REQUIREMENTS FOR INTERNATIONAL MATCHMAKING ORGANIZATIONS

§1151. Requirements for international matchmaking organizations

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "International matchmaking organization" means a person that is located in the State, or that provides services to clients who are residents of the State, on a for profit basis, the purpose of which is meeting, dating, matrimony or matchmaking or social referral services involving citizens of a foreign country who are not residing in the United States by the exchange of names and personal information, the selection of photographs or a social environment in a country other than the United States. International matchmaking organization does not include a traditional matchmaking organization of a religious nature that operates in compliance with the laws of the country of the foreign recruits and the laws of the United States and any organization that does not charge a fee to any party for the service provided.

B. "Client" means a person who is a resident of this State who contracts with an international matchmaking organization for its services.

C. "Recruit" means a person who is a noncitizen, nonresident who is listed by an international matchmaking organization for the purposes of meeting, dating, matrimonial or social referral services with a client.

2. Requirements. Prior to or at the time of providing written information to a client or a recruit and prior to the date of any actual meeting of the client and recruit, the international matchmaking organization shall provide written notice to the client and recruit, in the native languages of both the client and the recruit, of the right to certain public information about the other person. The written notice must provide information on how to access public information regarding criminal and marital history and protection from abuse or harassment and other court records and judicial proceedings in the jurisdiction of the client or recruit.

3. Violation; enforcement. A violation of this section is a civil violation for which a fine of not more than $1000 per violation may be adjudged. The Attorney General may enforce the requirements of this section, including through a petition for injunctive relief.

7. Direct Attorney General to convene a working group and report by January 15, 2008.

Sec. G-1. Attorney General's working group on human trafficking; report. The Attorney General shall convene a working group on human trafficking consisting of representatives of the following: The Department of Health and Human Services, the Department of Labor, the Department of Public Safety, the Maine Institute for Public Safety Innovation, law

enforcement, immigrant legal services, interested parties, other state agencies and service providers, including but not limited to health care, domestic violence and sexual assault advocates and other social service providers. The working group shall develop training for law enforcement and community organizations; develop outreach and public awareness campaigns, including victims' services and special visa status for victims who are undocumented immigrants; work on options and initiatives for data collection, the need for victim/witness laws, coordination of services, and coordination of state and federal victim services programs for benefits, programs and licenses; and report to the Second Regular Session of the 123rd Legislature by January 15, 2008.

8. Provide an effective date of January 1, 2008 for all provisions of the Human Trafficking Task Force bill.

Sec. H-1. Effective dates. The provisions of this Act take effect January 1, 2008, except that Sections C-2 and G-1 take effect 90 days after the adjournment of the First Regular Session of the 123rd Legislature.

SUMMARY

This bill contains the recommendations of the Human Trafficking Task Force. The bill proposed to do the following:

1. Enact a law criminalizing involuntary servitude and human trafficking, making them Class B offenses, with enhancement to Class A in certain circumstances, and specifying certain defenses that do not apply to involuntary servitude or human trafficking offenses;
2. Authorize the court to order forfeiture of assets acquired as a result of human trafficking;
3. Gives the human trafficking victim rights, restitution, damages and compensation thru criminal restitution law and victims' compensation fund and require rulemaking by the Department of Labor for the purposes of victim restitution;
4. Prohibit travel agencies operating within Maine from advertising or arranging for travel for commercial sexual purposes;
5. Require commercial international matchmaking or marriage organizations operating within Maine to inform recruits and clients of the right to information on the other person's criminal, marital, protection from abuse, harassment and other official records;
6. Direct the Attorney General to convene a broad working group to develop training for law enforcement and community organizations and outreach and public awareness campaigns, work on options and initiatives for data collection, the need for victim/witness laws, coordination of services, and coordination of state and federal victim service programs for benefits, programs and licenses, and report to the Legislature 1/15/08; and
7. Provide an effective date of January 1, 2008 except that the provisions enacting Attorney General's working group on human trafficking and rulemaking in the Department of Labor regarding work loss take effect 90 days after adjournment of the First Regular Session of the 123rd Legislature.