

# SOAR INSTITUTE

April 11, 2023

**RE:** LD1435 “An Act to Reduce Commercial Sexual Exploitation” – Neither For Nor Against

To the Committee on Judiciary,

I am writing to express my concerns with LD1435, “An Act to Reduce Commercial Sexual Exploitation”, and to share my perspective on this particular policy approach to sex trafficking. I have been an attorney and advocate for survivors of trafficking as well as adult consensual sex workers for nearly two decades. My extensive experience in working with criminalized survivors of trafficking and criminalized sex workers has provided me unique insight into the efficacy of different policy strategies to eliminate trafficking and protect survivors.

LD1435 is one of only three bills that have been introduced in the country this year that would remove penalties for the sale of sex while leaving statutes criminalizing the purchase of sex intact. This policy model is referred to as the Nordic model, the Entrapment model, or the End Demand model. No state in the country currently uses this approach. In fact, this bill takes an additional step not seen in existing or past legislation, which is redefining the purchase of sex, currently Maine’s “Engaging a Prostitute” statute, as “Commercial Sexual Exploitation”.

This redefinition is problematic and dangerous in a number of ways. The conflation of adult consensual behavior with exploitation is a direct attack on the bodily autonomy of adults and assumes that sex workers in Maine are not competent enough to make informed decisions about their own private choices. Additionally, criminalizing the purchase of sex misdirects law enforcement resources towards consensual interactions, further limiting resources available to address exploitation and trafficking.

However, the word “exploitation” is not misused in the entirety of LD1435. The bill would change existing laws protecting minors and persons with mental disabilities from using the word “prostitution” to referring to the crime as “exploitation”. “Prostitution”, as currently defined under Maine law, means “engaging in, or agreeing to engage in, or offering to engage in a sexual act or sexual contact”. That this can be a consensual interaction is implied within the law; the word “prostitution” thus is not apt in the case of minors and persons with certain mental disabilities, who inherently cannot consensually engage in sex work. Any exchange for sexual contact with a minor or a person with mental disabilities is inherently exploitative, and the statutory language must be updated to demonstrate the severity of these crimes. I strongly support the use of the term “commercial sexual exploitation” in this context.

Referring to consensual transactional sexual interactions using the same term diminishes the perceived severity of the above crimes. It also likens consenting adults to people who legally cannot consent, which is problematic on its own but is also slippery slope to future limitations of bodily autonomy.

Ultimately, the policy goals of LD1435 are unprecedented and would not result in the end of demand for sex work nor of improved support of trafficking survivors. The conflation of sex work and trafficking will not help trafficked people, nor will removing the bodily autonomy of adults. I strongly urge you to work to protect the safety, health, and rights of your constituents, and to vote against this bill or amend it to remove everything except the language updates relating to the exploitation of minors and persons with mental disabilities. Thank you for your consideration.

Regards,

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Co-Director, SOAR Institute

