



HOUSE OF REPRESENTATIVES

2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002
(207) 287-1400
TTY: (207) MAINE RELAY 711

Lois Galgay Reckitt

38 Myrtle Avenue
South Portland, ME 04106
Cell Phone: (207) 712-2474
Lois.Reckitt@legislature.maine.gov

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Testimony of Rep. Lois Galgay Reckitt introducing
LD 1435, An Act to Reduce Commercial Sexual Exploitation
Before the Joint Standing Committee on Judiciary

Good afternoon, Senator Carney, Representative Moonen and esteemed colleagues on the Judiciary Committee. My name is Lois Galgay Reckitt, and I am the Representative for House District 122, which is the ocean end of South Portland. I stand before you today as the proud sponsor of **LD 1435, An Act to Reduce Commercial Sexual Exploitation**.

Why, you may ask, am I the lead on this initiative? Often in such circumstances, I would tell you stories from my multifaceted life – of the voices I have heard from women all over this country, from friends who were forced by their life circumstances to live as what was then called a prostitute, indeed of my first cousin who did the same – and who shares my name.

But today I bring this bill to you because it can be the first step in transforming lives – of those trafficked, trapped or in the depths of despair. This bill acknowledges that the last thing they need is a criminal record as they work to restart their lives and, for many of them, to reframe and protect their children. I believe that people should not be criminalized for crimes that are happening to them.

This bill seeks to discontinue the practice authorized in Maine – although practiced infrequently these days I understand – of arresting those who sell their bodies for sex – the vast majority of time because life has given them very few choices – and even less support for their lives and the lives of their children. This bill will not alone solve all of their problems – but coupled with its acknowledgement that what we have called, for centuries, prostitution is driven by the demand presented by those who choose to “buy” another human being’s body.

This bill maintains the existing crime in Maine of buying sex and eventually help society see the light. We in Maine, can help lead the movement to end the buying of our fellow citizens, predominantly females. Why must we end this horrific practice today? Why should we Join our sisters and brothers in Hawaii to lead the movement to do so?

More than 30 years ago, feminist writer Kathleen Barry wrote in *Female Sexual Slavery*, we must end this system of inherit exploitation, because, in addition to the physical harm and degradation of individual women, the continued buying of sex leads inadvertently – or deliberately – to the devaluing of all women in society – not just the prostituted persons.

There are two other aspects of LD 1435 that I want to explain for you. The first are the shifts in language throughout. This amended language is crucial to both the Legislature's and Society's understanding of this initiative and others like it.

The changes are from “prostitute” to “prostituted persons” and the use of the term “commercial sexual exploitation” to describe the act of buying sex. These shifts in terminology reflect the belief that exchanging anything of “pecuniary value”- be it money, drugs, a place to live or safety for your children – for the sexual use of another's body is unacceptable.

Society must develop and support better options for those who are exploited in these ways. The use of “commercial sexual exploitation” clarifies that using women or other persons in this way is buying another human being for your personal pleasure – and you are “paying” for it. I often struggle to understand why we cannot instead work as hard and effectively as we can to make it possible for those who are “bought” to find another path to survival.

I have all my adult life been concerned about the welfare and rights of women. In the mid 80's, as part of my position responsibility as the Executive Vice President of the National Organization for Women, I held hearings across the breadth of the United States, from New York to California and several states in between – 7 hearings in all. I was personally devastated by what I saw and heard. I felt defiled by images I saw that I have never been able to erase from my memories.

And I talked before that, then and subsequently, to women currently and formerly engaged in “prostitution” – but the avenue through which I could help change their realities did not become clear to me until five years ago.

A young Patrol Officer from Portland came to me at that time. He had been on patrol, in part, on “the track” for some time. He felt he had no way to impact the practice of selling and buying sex on the street. He was frustrated. So, he began to research practices to that end around the world. At that juncture he came to me with what he had found – and what at that time was termed the Nordic Model for dealing with the problem of prostituted persons – because it was first advanced in the Scandinavian countries of Europe.

It was – and is – a demand reduction strategy – now more commonly known as **partial** decriminalization of prostitution. Within the first two years of adopting this Equality Model, as they now term it, Sweden had a 50% decrease in street prostitution and a significant decline in the number of men purchasing sex. Other countries – Norway, Iceland, France, Canada, Ireland and others- have followed suit with similar results.

I ask you today to help lead the several states in the United States to the same end. Hawaii did so two years ago. Similar bills are now under consideration in at least New York and Massachusetts. Keep the penalty now in our laws for “buying” and continue to stop arresting those who feel compelled to “sell.” This bill also recognizes in statute that the sexual exploitation of children and people with a mental disability is an even more egregious act.

In a subsequent bill I will be presenting, I will ask you to seal the records of previous convictions for “prostitution,” to convene a group to craft solutions for the victims of trafficking and prostitution and to assemble data to guide us going forward.

But today, I ask you to vote in favor of LD 1435 – An Act to Reduce Sexual Exploitation.

I have had a lengthy and productive conversation with Lt. Col. Scott of the Maine State Police. As a result of that talk, when we get to work session on this bill, I will be suggesting the following changes:

Replace Section 2 17-A MRSA 18-A 2 A &B with the following:

“By January of 2025, stakeholders including police, prosecutors, anti-trafficking organizations, sexual assault and domestic violence providers as well as others who have in state experience at providing services to victims of exploitation and trafficking, shall collaborate to develop model anti sex trafficking and people in prostitution protocols. These proposed models should include advisement on dealing with all persons experiencing prostitution no matter the cause.

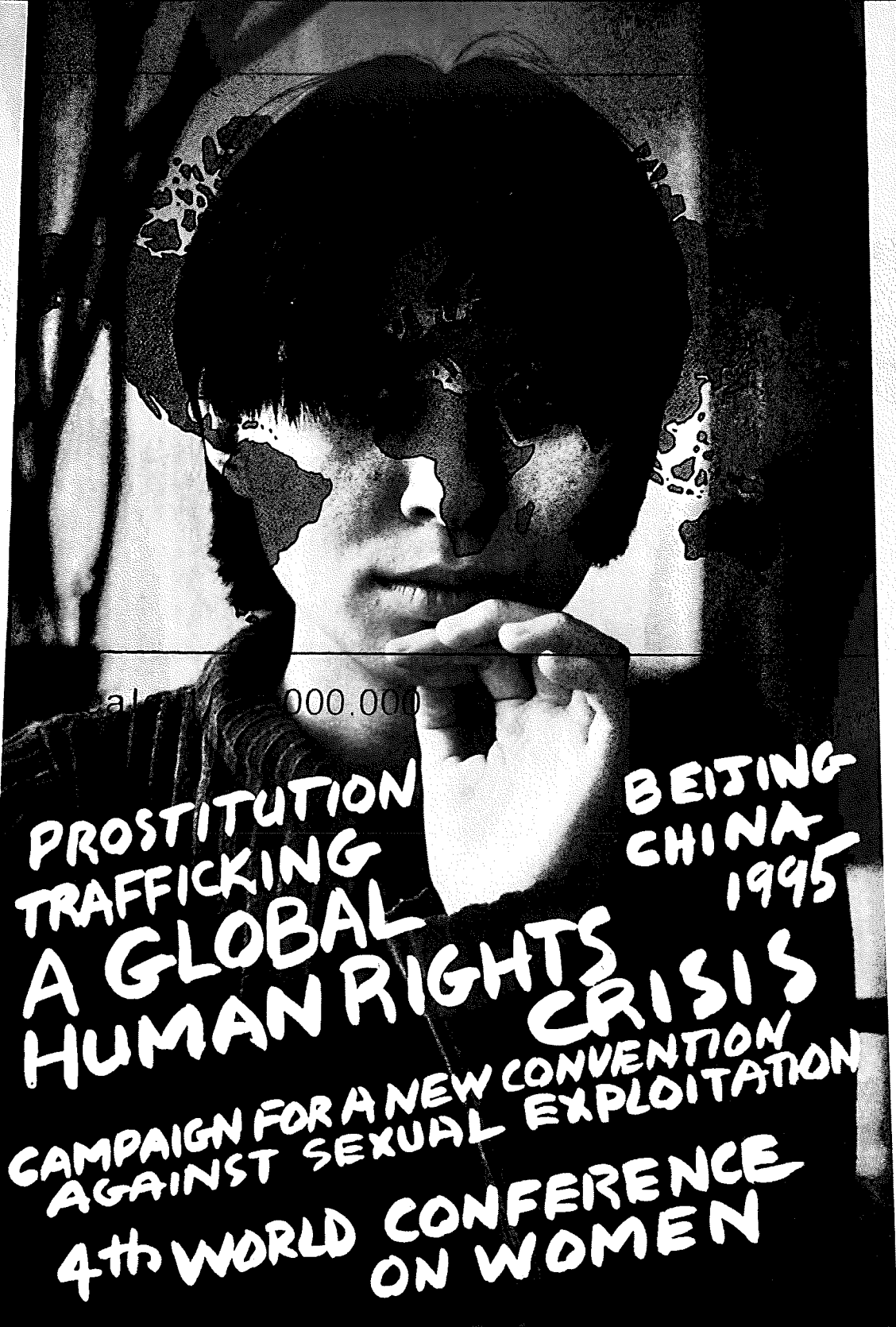
After the model has been affirmed by the Department of Public Safety (DPS), it shall be offered to law enforcement agencies for possible adoption. By 7/1/2025, all law enforcement agencies in Maine shall either adopt the model policy, perhaps adapted to their circumstances, or adopt another that they may choose to develop to meet the goals of this legislation.”

Delete Reference in Lines 41-43 of Page one of the Draft Bill to Rulemaking which shall no longer be required under this section.

Note: If the Bill Summary is presented as part of the Legislative Record, a clarification is needed. Point #8 should read as follows:

“Directs interested parties to adopt a protocol for law enforcement agencies to **guide** them on the appropriate way(s) to interact with a person experiencing prostitution.”

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September 4

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