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Paul R. LePage
GOVERNOR

23 April 2018

The 128th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1740, "An Act Regarding Criminal Forced Labor, Aggravated Criminal Forced Labor, Sex Trafficking and Human Trafficking."

LD 1740 seeks to create a new violation of "criminal forced labor" by attaching substantial criminal liability to a wide variety of conduct undertaken to compel a person to provide services or labor. The bill further provides a civil cause of action for victims of this behavior and initiates a public awareness campaign around the issue of human trafficking.

I support efforts to combat forced labor and human trafficking. These are reprehensible acts. However, there are numerous problems with LD 1740. First, some of the acts criminalized by this bill should not be crimes at all. I find it hypocritical and disingenuous the Legislature's action on this bill, while also failing to act to criminalize the mutilation of Maine's young girls. Second, many acts falling within LD 1740 are already prohibited by Maine statutes. Third, LD 1740 provides for heightened liability for minors, but once again sets a non-uniform age of majority. Fourth, this bill imposes yet another mandate on governmental agencies and businesses without providing funding. Finally, this bill imposes civil monetary liability on certain Maine businesses without adequately identifying to which businesses this liability applies.

First, enactment of LD 1740 makes criminal some activities that should not be crimes. Consider the following examples:

- An employer who confiscates alcohol from an alcoholic employee at the beginning of the work day. That employer refuses to return the bottle until the end of the job, demanding a sober day's work in exchange for the day's pay. Under LD 1740, the employer may face Class C liability.
- A cigarette shop owner handed what purports to be a government identification document, but which the shop owner suspects is fake. The uneasy young patron furnishing the ID takes flight and knocks over a display in the store. The shop owner then offers to accept restitution so long as the patron reorganizes the mess in exchange for the return of the ID and not calling the police. Under LD 1740, the shop owner may face substantial criminal liability.



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Second, the following statutes already prohibit conduct substantially similar to that described in LD 1740:

1. 17-A M.R.S.A § 357 provides criminal liability for theft where one deprives a person of payment after using deception, threats, force, or otherwise causing another person to provide labor or services.
2. 17-A M.R.S.A. § 301 provides criminal liability for kidnapping where threats of violence are made to cause a victim to perform labor or services, or where withholding or destroying immigration or identification documents is used as a tool to control a victim.
3. To the extent the labor conduct of the person forced to perform it is criminal, 17-A M.R.S.A. § 57 provides for accomplice liability of the one forcing that person to engage in such acts.

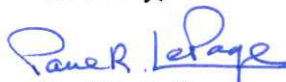
Third, LD 1740 defines the undertaking of the prohibited conduct against a person under the age of 18 as aggravated criminal forced labor. This Legislature recently raised to 21 the age at which individuals can buy cigarettes. If this Legislature believes that anyone under 21 is not adult enough to purchase cigarettes, they should treat people under 21 as children for all other purposes and offer criminal enhancements for actions taken against them.

Fourth, this bill provides an unfunded mandate that the Department of Labor create and provide to the Department of Transportation, the Maine Turnpike Authority and businesses in the state signs to promote public awareness of human trafficking. The bill, again without providing funding, then directs that these signs are to be posted conspicuously at rest areas, highway stops and businesses. The Legislature's repeated attempts to spend money without providing funding is an abdication of their responsibilities.

Finally, businesses failing to post signage in regards to human trafficking are subject to a \$300 fine per violation. In order to assure that these businesses have the opportunity to comply, it is incumbent upon the Legislature to identify with understandable specificity exactly which businesses must post signage. Maine law already mandates employers post nine posters and recommends five more; the federal government requires another six. Too many workplace posters not only makes it harder for workers to find the information they need about employment rights, but also dilutes the messages of all such posters. I also question the efficacy of business signage to address the serious issues this bill seeks to remedy, and that the same sign for a business would carry the appropriate message for rest areas.

For these reasons, I return LD 1740 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,



Paul R. LePage
Governor