

Prostitution Laws of Maine

§851: Definitions

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Chapter 35: PROSTITUTION AND PUBLIC INDECENCY

§851: Definitions

As used in this chapter:

1. "Prostitution" means engaging in, or agreeing to engage in, or offering to engage in a sexual act or sexual contact, as those terms are defined in section 251, in return for a pecuniary benefit to be received by the person engaging in prostitution or a 3rd person;

1-A. "Engages a prostitute" means providing or agreeing to provide, either to the person whose prostitution is sought or to a 3rd person, pecuniary benefit in return for a sexual act or sexual contact as those terms are defined in section 251;

2. "Promotes prostitution" means:

A. Causing or aiding another to commit or engage in prostitution, other than as a patron;

B. Publicly soliciting patrons for prostitution. Publicly soliciting patrons for prostitution includes, but is not limited to, an offer, made in a public place, to engage in a sexual act or sexual contact, as those terms are defined in section 251, in return for a pecuniary benefit to be received by the person making the offer or a 3rd person;

C. Providing persons for purposes of prostitution;

D. Leasing or otherwise permitting a place controlled by the defendant, alone or in association with others, to be regularly used for prostitution;

E. Owning, controlling, managing, supervising or otherwise operating, in association with others, a house of prostitution or a prostitution business;

F. Transporting a person into or within the State with the intent that such other person engage in prostitution; or

G. Accepting or receiving, or agreeing to accept or receive, a pecuniary benefit pursuant to an agreement or understanding with any person, other than with a patron, whereby the person participates or the person is to participate in the proceeds of prostitution.

§852: Aggravated promotion of prostitution

1. A person is guilty of aggravated promotion of prostitution if he knowingly:

A. Promotes prostitution by compelling a person to enter into, engage in, or remain in prostitution; or

B. Promotes prostitution of a person less than 18 years old.

2. As used in this section "compelling" includes but is not limited to:

A. The use of a drug or intoxicating substance to render a person incapable of controlling his conduct or appreciating its nature; and

B. Withholding or threatening to withhold a narcotic drug or alcoholic liquor from a drug or alcohol-dependent person. A "drug or alcohol-dependent person" is one who is using narcotic drugs or alcoholic liquor and who is in a state of psychic or physical dependence or both, arising from the

use of the drug or alcohol on a continuing basis.

3. Aggravated promotion of prostitution is a Class B crime.

§853: Promotion of prostitution

1. A person is guilty of promotion of prostitution if he knowingly promotes prostitution.

2. Promoting prostitution is a Class D crime.

§853-A: Engaging in prostitution

1. A person is guilty of engaging in prostitution if:

A. The person engages in prostitution as defined in section 851. Violation of this paragraph is a Class E crime, except that the sentencing alternative may include only the penalties provided in section 1301; or

B. The person violates paragraph A and, at the time of the offense, the person has one prior conviction for engaging in prostitution. Section 9-A governs the use of prior convictions when determining a sentence, except that, for the purposes of this paragraph, the date of the prior conviction may not precede the commission of the offense by more than 2 years. Violation of this paragraph is a Class D crime.

§853-B: Engaging a prostitute

1. A person is guilty of engaging a prostitute if:

A. The person engages a prostitute within the meaning of section 851, subsection 1-A. Violation of this paragraph is a Class E crime, except that the sentencing alternative may include only the penalties provided in section 1301; or

B. The person violates paragraph A and, at the time of the offense, the person has one prior conviction for engaging a prostitute. Section 9-A governs the use of prior convictions when determining a sentence, except that, for the purposes of this paragraph, the date of the prior conviction may not precede the commission of the offense by more than 2 years. Violation of this paragraph is a Class D crime.