

CHAPTER 337-C**CIVIL REMEDIES FOR HUMAN TRAFFICKING****§4701. Remedies for human trafficking**

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

A. "Trafficked person" means a victim of a human trafficking offense. [PL 2007, c. 684, Pt. B, §1 (NEW); PL 2007, c. 684, Pt. H, §1 (AFF).]

B. "Criminal proceeding" includes the investigation and prosecution of criminal charges. A criminal proceeding remains pending until final adjudication in the trial court. [PL 2007, c. 684, Pt. B, §1 (NEW); PL 2007, c. 684, Pt. H, §1 (AFF).]

C. "Human trafficking offense" includes:

(1) Aggravated sex trafficking and sex trafficking under Title 17-A, sections 852 and 853, respectively, and criminal forced labor and aggravated criminal forced labor under Title 17-A, sections 304 and 305, respectively; and

(2) Except as provided in subparagraph (1), all offenses in Title 17-A, chapters 11, 12 and 13 if accompanied by the destruction, concealment, removal, confiscation or possession of any actual or purported passport or other immigration document or other actual or purported government identification document of the other person or done using any scheme, plan or pattern intended to cause the other person to believe that if that person does not perform certain labor or services, including prostitution, that the person or a 3rd person will be subject to a harm to their health, safety or immigration status. [PL 2019, c. 501, §2 (AMD).]

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2. Civil action for damages, relief. A trafficked person may bring a civil action for actual damages, compensatory damages, punitive damages, injunctive relief, any combination of those or any other appropriate relief. A prevailing plaintiff is entitled to an award of attorney's fees and costs. [PL 2007, c. 684, Pt. B, §1 (NEW); PL 2007, c. 684, Pt. H, §1 (AFF).]

3. Statute of limitations. An action brought pursuant to this section must be commenced within 10 years of the date on which the trafficked person was freed from the trafficking situation.

A. If a person entitled to bring an action under this section is under disability when the cause of action accrues so that it is impossible or impracticable for the person to bring an action, the time during which the person is under disability tolls the running of the time limit for the commencement of the action. For the purposes of this paragraph, a person is under disability if the person is a minor or is mentally ill, imprisoned, outside the United States or otherwise incapacitated or incompetent. [PL 2007, c. 684, Pt. B, §1 (NEW); PL 2007, c. 684, Pt. H, §1 (AFF).]

B. The statute of limitations is tolled for an incompetent or minor plaintiff even if a guardian ad litem has been appointed. [PL 2007, c. 684, Pt. B, §1 (NEW); PL 2007, c. 684, Pt. H, §1 (AFF).]

C. A defendant is estopped from asserting a defense of the statute of limitations if the trafficked person did not file before the expiration of the statute of limitations due to:

(1) Conduct by the defendant inducing the plaintiff to delay the filing of the action or preventing the plaintiff from filing the action; or

(2) Threats made by the defendant that caused duress to the plaintiff. [PL 2007, c. 684, Pt. B, §1 (NEW); PL 2007, c. 684, Pt. H, §1 (AFF).]

D. The statute of limitations is tolled during the pendency of any criminal proceedings against the trafficked person. [PL 2007, c. 684, Pt. B, §1 (NEW); PL 2007, c. 684, Pt. H, §1 (AFF).]
[PL 2007, c. 684, Pt. B, §1 (NEW); PL 2007, c. 684, Pt. H, §1 (AFF).]

4. Cause of action on trafficked person's behalf. A legal guardian, family member, representative of the trafficked person or court appointee may represent the trafficked person or the trafficked person's estate if deceased.

[PL 2007, c. 684, Pt. B, §1 (NEW); PL 2007, c. 684, Pt. H, §1 (AFF).]

SECTION HISTORY

PL 2007, c. 684, Pt. B, §1 (NEW). PL 2007, c. 684, Pt. H, §1 (AFF). PL 2013, c. 407, §1 (AMD). PL 2017, c. 416, §1 (AMD). PL 2019, c. 501, §2 (AMD).

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