An Act To Protect the Public from Clergy Sexual Abuse

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

Presented by Senator DESCHAMBAULT of York. (BY REQUEST)
Cosponsored by Representative RECKITT of South Portland and
Senators: CARPENTER of Aroostook, CHENETTE of York, CLAXTON of Androscoggin,
DILL of Penobscot, MOORE of Washington, Representatives: COREY of Windham,
MADIGAN of Waterville, VEROW of Brewer.
Be it enacted by the People of the State of Maine as follows:

Sec. 1. 17-A MRSA §251, sub-§1, ¶H is enacted to read:

H. "Domestic partner" means one of 2 unmarried adults who are domiciled together under a long-term arrangement that evidences a commitment to remain responsible indefinitely for each other's welfare.

Sec. 2. 17-A MRSA §253, sub-§2, ¶L, as amended by PL 2017, c. 300, §1, is further amended to read:

L. The actor is employed to provide care to a dependent person, who is not the actor's spouse or domestic partner and who is unable to perform self-care because of advanced age or physical or mental disease, disorder or defect. For the purposes of this paragraph, "domestic partners" means 2 unmarried adults who are domiciled together under a long-term arrangement that evidences a commitment to remain responsible indefinitely for each other's welfare. Violation of this paragraph is a Class C crime; or

Sec. 3. 17-A MRSA §253, sub-§2, ¶M, as enacted by PL 2017, c. 300, §2, is amended to read:

M. The other person has not expressly or impliedly acquiesced to the sexual act. Violation of this paragraph is a Class C crime; or

Sec. 4. 17-A MRSA §253, sub-§2, ¶N is enacted to read:

N. The actor is a member of the clergy or purports to be a member of the clergy, including a priest, rabbi, Christian Science practitioner, imam or minister of any religious denomination, is in a position of trust or authority over the other person, causes the other person to submit to or participate in the sexual act by exploiting the person's emotional dependency on the actor and the other person is not the actor's spouse or domestic partner. Violation of this paragraph is a Class C crime.

Sec. 5. 17-A MRSA §255-A, sub-§1, ¶¶W and X, as enacted by PL 2011, c. 423, §6, are amended to read:

W. The actor is employed to provide care to a dependent person, who is not the actor's spouse or domestic partner and who is unable to perform self-care because of advanced age or physical or mental disease, disorder or defect. For the purposes of this paragraph, "domestic partners" means 2 unmarried adults who are domiciled together under a long-term arrangement that evidences a commitment to remain responsible indefinitely for each other's welfare. Violation of this paragraph is a Class D crime; or

X. The actor is employed to provide care to a dependent person, who is not the actor's spouse or domestic partner and who is unable to perform self-care because of advanced age or physical or mental disease, disorder or defect and the sexual contact includes penetration. For the purposes of this paragraph, "domestic partners" means 2 unmarried adults who are domiciled together under a long-term arrangement that
Section 6. 17-A MRSA §255-A, sub-§1, ¶¶Y and Z are enacted to read:

Y. The actor is a member of the clergy or purports to be a member of the clergy, including a priest, rabbi, Christian Science practitioner, imam or minister of any religious denomination, is in a position of trust or authority over the other person, causes the other person to submit to or participate in the sexual contact by exploiting the person's emotional dependency on the actor and the other person is not the actor's spouse or domestic partner. Violation of this paragraph is a Class D crime; or

Z. The actor is a member of the clergy or purports to be a member of the clergy, including a priest, rabbi, Christian Science practitioner, imam or minister of any religious denomination, is in a position of trust or authority over the other person, causes the other person to submit to or participate in the sexual contact by exploiting the person's emotional dependency on the actor and the other person is not the actor's spouse or domestic partner and the sexual contact includes penetration. Violation of this paragraph is a Class C crime.

Section 7. 17-A MRSA §260, sub-§1, ¶¶L and M, as enacted by PL 2011, c. 423, §9, are amended to read:

L. The actor owns, operates or is an employee of an organization, program or residence that is operated, administered, licensed or funded by the Department of Health and Human Services and the other person, not the actor's spouse, receives services from the organization, program or residence and suffers from a mental disability that is reasonably apparent or known to the actor. Violation of this paragraph is a Class D crime; or

M. The actor is employed to provide care to a dependent person, who is not the actor's spouse or domestic partner and who is unable to perform self-care because of advanced age or physical or mental disease, disorder or defect. For the purposes of this paragraph, "domestic partners" means 2 unmarried adults who are domiciled together under a long-term arrangement that evidences a commitment to remain responsible indefinitely for each other's welfare. Violation of this paragraph is a Class D crime; or

Section 8. 17-A MRSA §260, sub-§1, ¶N is enacted to read:

N. The actor is a member of the clergy or purports to be a member of the clergy, including a priest, rabbi, Christian Science practitioner, imam or minister of any religious denomination, is in a position of trust or authority over the other person, causes the other person to submit to or participate in the sexual touching by exploiting the person's emotional dependency on the actor and the other person is not the actor's spouse or domestic partner. Violation of this paragraph is a Class D crime.
SUMMARY

This bill makes it unlawful for a member of the clergy who is in a position of trust or authority over another person to cause the other person to submit to or participate in a sexual act, sexual contact or sexual touching by exploiting the person's emotional dependency on the member of the clergy. It also places the current definition of "domestic partner" in the definition section of the Maine Revised Statutes, Title 17-A, chapter 11 and deletes repetitive definitions of "domestic partner" found throughout the chapter.