

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

**An Act To Change the Statutes of Limitations on Prosecution
for Crimes of Sexual Abuse and for Civil Actions for Sexual
Abuse When the Actor Is a Person in a Position of Authority**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 14 MRSA §752-F is enacted to read:

§ 752-F. Sexual act by person with authority

1. No limitation. A civil action based upon a sexual act may be commenced at any time if that sexual act is committed or engaged in by an actor who is:

A. A teacher, employer or other official having instructional, supervisory or disciplinary authority over the other person; or

B. A psychiatrist or psychologist or licensed as a social worker or purports to be a psychiatrist or psychologist or licensed as a social worker and the other person, not the actor's spouse, is a patient or client of the actor for mental health therapy.

2. Sexual act defined. For purposes of this section, "sexual act" means:

A. A sexual act as defined in Title 17-A, section 251, subsection 1, paragraph C; or

B. Sexual contact as defined in Title 17-A, section 251, subsection 1, paragraph D.

Sec. 2. 17-A MRSA §8, sub-§2, as amended by PL 1999, c. 438, §2, is further amended to read:

2. ProsecutionsExcept as provided in subsection 2-A, prosecutions for crimes other than murder or criminal homicide in the first or 2nd degree, or, if the victim had not attained the age of 16 years at the time of the crime, prosecutions for: incest; unlawful sexual contact; sexual abuse of a minor; rape or gross sexual assault, formerly denominated as gross sexual misconduct, are subject to the following periods of limitations:

A. A prosecution for a Class A, Class B or Class C crime must be commenced within 6 years after it is committed; and

B. A prosecution for a Class D or Class E crime must be commenced within 3 years after it is committed.

Sec. 3. 17-A MRSA §8, sub-§2-A is enacted to read:

2-A. A prosecution for a crime involving unlawful sexual touching, unlawful sexual contact, sexual abuse of a minor, rape or gross sexual assault must be commenced within 10 years after it is committed if the actor is a teacher, employer or other official having instructional, supervisory or disciplinary authority

over the other person or is a psychiatrist or psychologist or is licensed as a social worker or purports to the other person to be a psychiatrist or a psychologist or licensed as a social worker and the other person, not the actor's spouse, is a patient or client of the actor for mental health therapy.

SUMMARY

This bill:

1. Provides that a civil action based upon a sexual act that is committed or engaged in by an actor who has certain authority over the other person may be commenced at any time; and
2. Extends to 10 years the statute of limitations on prosecutions for crimes involving unlawful sexual touching, unlawful sexual contact, sexual abuse of a minor, rape or gross sexual assault if the actor has certain authority over the victim.