

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 Strengthen the Laws Regarding Certain Crimes Committed by 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. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Health care provider" has the same meaning as in Title 34-B, section 11001, subsection 1, paragraph E.

B. "Sexual act" means:

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

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

2. 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 health care provider, licensed as a social worker or a member of the clergy or other spiritual advisor or who purports to be a health care provider, licensed as a social worker or a member of the clergy or other spiritual advisor and the other person, not the actor's spouse, is a patient or client of the actor for mental health therapy.

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 health care provider, is licensed as a social worker or is a member of the clergy or other spiritual advisor or purports to be a health care provider, licensed as a social worker or a member of the clergy or other spiritual advisor and the other person, not the actor's spouse, is a patient or client of the actor for mental health therapy. As used in this subsection, "health care provider" has the same meaning as in Title 34-B, section 11001, subsection 1, paragraph E.

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.