



127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 566

H.P. 390

House of Representatives, February 26, 2015

An Act To Protect Individuals from Breaches of Trust by Clergy Members

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative GUERIN of Glenburn.
Cosponsored by Representatives: GINZLER of Bridgton, HERRICK of Paris, MONAGHAN of Cape Elizabeth, MOONEN of Portland, VEROW of Brewer, WARREN of Hallowell,
Senators: BURNS of Washington, JOHNSON of Lincoln.

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

2 **Sec. 1. 17-A MRSA §255-A, sub-§1, ¶¶W and X,** as enacted by PL 2011, c.
3 423, §6, are amended to read:

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

11 X. The actor is employed to provide care to a dependent person, who is not the
12 actor's spouse or domestic partner and who is unable to perform self-care because of
13 advanced age or physical or mental disease, disorder or defect and the sexual contact
14 includes penetration. For the purposes of this paragraph, "domestic partners" means
15 2 unmarried adults who are domiciled together under a long-term arrangement that
16 evidences a commitment to remain responsible indefinitely for each other's welfare.
17 Violation of this paragraph is a Class C crime; ~~or~~

18 **Sec. 2. 17-A MRSA §255-A, sub-§1, ¶Y** is enacted to read:

19 Y. The actor is a member of the clergy, including a priest, rabbi, Christian Science
20 healer, imam or minister of any religious denomination, who within the past year has
21 provided, in private counseling, religious or spiritual advice, aid or comfort to the
22 other person, who is not the actor's spouse or domestic partner. A religious institution
23 that is the employer or superior of a member of the clergy who violates this paragraph
24 is not civilly liable to the other person unless institutional negligence has been
25 established. For the purposes of this paragraph, "domestic partner" means one of 2
26 unmarried adults who are domiciled together under a long-term arrangement that
27 evidences a commitment to remain responsible indefinitely for each other's welfare.
28 Violation of this paragraph is a Class D crime.

29 **SUMMARY**

30 This bill makes unlawful any sexual contact by a clergy member with an individual to
31 whom the clergy member within the past year has provided, in private counseling,
32 religious or spiritual advice, aid or comfort.