



132nd MAINE LEGISLATURE

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Legislative Document

No. 1978

H.P. 1321

House of Representatives, May 13, 2025

An Act Regarding Government Liability Related to Sexual Acts Toward Minors

Reference to the Committee on Judiciary suggested and ordered printed.

Robert B. Hunt
ROBERT B. HUNT
Clerk

Presented by Representative GRAMLICH of Old Orchard Beach.

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

Sec. 1. 14 MRSA §8104-A, sub-§5 is enacted to read:

5. Sexual acts toward minors; waiver of statute of limitations. A governmental entity is liable for intentional and negligent acts or omissions relating to an employee or an agent of the governmental entity who commits a sexual act towards a minor or engages in a sexual act with a minor while acting in or under the scope; description; authority whether actual, implied or apparent; mandate; directive; permission; or other indicia of the employer-employee relationship, whether on or off the governmental entity's premises.

As used in this subsection, "sexual act towards a minor" has the same meaning as "sexual acts toward minors" in section 752-C, subsection 2.

This subsection applies to all actions against a governmental entity or an employee or agent of a governmental entity based upon a sexual act towards a minor regardless of the date of the sexual act and regardless of whether the statute of limitations on such actions expired prior to the effective date of this subsection.

SUMMARY

This bill adds an exception to immunity for governmental entities to provide that the State and a political subdivision of the State, including a city, town, county or school district, is liable for intentional and negligent acts or omissions relating to an employee or an agent of the governmental entity who commits a sexual act against a minor or engages in a sexual act with a minor while acting in or under the scope; description; authority whether actual, implied or apparent; mandate; directive; permission; or other indicia of the employer-employee relationship, whether on or off government premises.

This bill also removes the statute of limitations to allow actions against a governmental entity or an employee or agent of a governmental entity based upon sexual acts toward minors regardless of the date of the sexual act and regardless of whether the statute of limitations on such actions expired prior to the effective date of this legislation.