



130th MAINE LEGISLATURE

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Legislative Document

No. 589

H.P. 432

House of Representatives, February 24, 2021

An Act To Provide Access to Justice for Victims of Child Sexual Abuse

Received by the Clerk of the House on February 22, 2021. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

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

ROBERT B. HUNT
Clerk

Presented by Representative GRAMLICH of Old Orchard Beach.
Cosponsored by Senator CARNEY of Cumberland and
Representatives: Speaker FECTEAU of Biddeford, HARNETT of Gardiner, RECKITT of
South Portland, Senators: BAILEY of York, President JACKSON of Aroostook.

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

2 **Sec. 1. 14 MRSA §8107, sub-§6** is enacted to read:

3 **6. Exception.** The provisions of this section do not apply to a claim based upon a
4 sexual act toward a minor. For the purposes of this subsection, "sexual act toward a minor"
5 means any of the following acts committed against or engaged in with a person under the
6 age of majority: a sexual act as defined in Title 17-A, section 251, subsection 1, paragraph
7 C or sexual contact as defined in Title 17-A, section 251, subsection 1, paragraph D.

8 **Sec. 2. 14 MRSA §8110**, as amended by PL 2001, c. 249, §2, is further amended to
9 read:

10 **§8110. Limitation of actions**

11 Every claim against a governmental entity or its employees permitted under this
12 chapter is forever barred from the courts of this State, unless an action therein is begun
13 within 2 years after the cause of action accrues, except that, if the claimant is a minor when
14 the cause of action accrues, the action may be brought within 2 years of the minor's
15 attaining 18 years of age.

16 The provisions of this section do not apply to a claim based upon a sexual act toward
17 a minor. For the purposes of this paragraph, "sexual act toward a minor" means any of the
18 following acts committed against or engaged in with a person under the age of majority: a
19 sexual act as defined in Title 17-A, section 251, subsection 1, paragraph C or sexual contact
20 as defined in Title 17-A, section 251, subsection 1, paragraph D.

21 **Sec. 3. Revival of civil actions.** Notwithstanding any provision of law that imposes
22 or previously imposed a period of limitation under the Maine Revised Statutes, Title 14,
23 section 752-C to the contrary and any provision of law pertaining to the filing of a notice
24 of claim under Title 14, section 8107 or 8110 to the contrary, a civil claim or cause of action
25 based upon a sexual act toward a minor that was barred on the effective date of this section
26 because of the applicable period of limitation or because of failure to timely file notice of
27 claim prior to the effective date of this section is hereby revived and action on that claim
28 may be commenced beginning 6 months after the effective date of this section and no later
29 than 2 years and 6 months after the effective date of this section. In an action based upon
30 a sexual act toward a minor that would have been barred by any statute of limitations in
31 effect on the effective date of this section, damages may be awarded against an entity that
32 employed, supervised or had responsibility for the person who committed or allegedly
33 committed the sexual act only if there is a finding of negligence on the part of the entity.
34 For the purposes of this section, "sexual act toward a minor" means any of the following
35 acts committed against or engaged in with a person under the age of majority: a sexual act
36 as defined in Title 17-A, section 251, subsection 1, paragraph C or sexual contact as defined
37 in Title 17-A, section 251, subsection 1, paragraph D.

38 **Sec. 4. Priority in assignment for trial.** In assigning cases based upon a sexual
39 act toward a minor for trial pursuant to Rule 40 of the Maine Rules of Civil Procedure, the
40 clerk of the Superior Court shall give priority to any action based upon a sexual act toward
41 a minor that has been revived pursuant to section 3 of this Act.

42 **Sec. 5. Judicial training.** The Chief Justice of the Supreme Judicial Court shall, in
43 furtherance of the general administrative and supervisory authority over the judicial branch

1 in accordance with the Maine Revised Statutes, Title 4, section 1, provide training for
2 justices and judges with respect to crimes involving a sexual act toward a minor and civil
3 actions based upon a sexual act toward a minor. For the purposes of this section, "sexual
4 act toward a minor" means any of the following acts committed against or engaged in with
5 a person under the age of majority: a sexual act as defined in Title 17-A, section 251,
6 subsection 1, paragraph C or sexual contact as defined in Title 17-A, section 251,
7 subsection 1, paragraph D.

8 **SUMMARY**

9 This bill does the following.

10 1. It exempts claims based upon a sexual act toward a minor from Maine Tort Claims
11 Act provisions on required notice to a governmental entity and time limitations.

12 2. It revives for a period of 2 years, beginning 6 months after the effective date of this
13 legislation, any civil claim or cause of action based upon a sexual act toward a minor that
14 was barred because of the period of limitation or because of failure to timely file notice of
15 claim.

16 3. It requires the clerk of the Superior Court in assigning cases based upon sexual acts
17 toward minors for trial to give priority to any action revived pursuant to this legislation.

18 4. It requires the Chief Justice of the Supreme Judicial Court to provide training for
19 justices and judges with respect to crimes involving a sexual act toward a minor and civil
20 actions based upon a sexual act toward a minor.

21 5. It provides that, in an action based upon a sexual act toward a minor that was barred
22 by operation of the statute of limitations prior to the effective date of this legislation and
23 that is revived pursuant to this legislation, damages may be awarded against an entity that
24 employed, supervised or had responsibility for the person who committed or allegedly
25 committed the sexual act only if there is a finding of negligence on the part of the entity.