

MAINE STATE LEGISLATURE

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L.D. 282

(Filing No. H-375)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 202, L.D. 282, Bill, "An Act to Eliminate the Statute of Limitations in Child Molestation or Incest Cases"

Amend the bill by striking out all of the title and inserting in its place the following:

'An Act to Modify the Statute of Limitations in Sexual Abuse of Minors Cases'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'14 MRSA §752-C, as enacted by PL 1985, c. 343, §1, is amended to read:

§752-C. Sexual acts towards minors

Actions based upon sexual intercourse or a sexual act, as defined in Title 17-A, chapter 11, with a person under the age of majority shall be commenced within 6 years after the cause of action accrues, or within 3 years of the time the person discovers or reasonably should have discovered the harm, whichever occurs later.

STATEMENT OF FACT

This amendment deletes the text of the bill and instead amends the civil statute of limitations to specifically include a discovery rule. The current law delays the running of the statute of limitations until the minor who was sexually abused reaches the age of 18. The person then has 6 years to bring an action for battery, mental distress or any other applicable tort based on the abuse.

COMMITTEE AMENDMENT "A" to H.P. 202, L.D. 282

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3 Many people who were sexually abused as minors do not
5 realize they were abused because they have repressed their
7 memories of the abuse for years. Many, often in their 20's and
9 30's, discover through therapy that they were abused as
children. This amendment provides that the person who was
sexually abused as a minor may bring an action against the abuser
within 3 years of the time when the person discovers or
reasonably should have discovered the abuse, or 6 years after
reaching the age of 18, whichever is later.

Reported by the Committee on Judiciary
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