

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1146

H.P. 818

House of Representatives, April 12, 1989

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

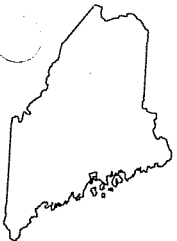
Presented by Representative FARNSWORTH of Hallowell.

Cosponsored by Representative LISNIK of Presque Isle, Representative LUTHER of Mexico and Senator TITCOMB of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

**An Act to Criminalize Sexual Abuse of Patients by Psychiatrists and
Psychologists.**



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

3 Sec. 1. 17-A MRSA §253, sub-§2, ¶H is enacted to read:

5 H. The actor is a psychiatrist or psychologist and the
7 other person, not the actor's spouse, is a patient of the
9 actor. For purposes of this paragraph, if the actor
11 professes to be a psychiatrist or psychologist to the other
13 person, the actor will be treated as such even if the actor
15 is not a psychiatrist or psychologist.

17 Sec. 2. 17-A MRSA §253, sub-§5, as amended by PL 1985, c. 495,
19 §7, is further amended to read:

21 5. Violation of subsection 2, paragraph A, C or E is a
23 Class B crime. Violation of subsection 2, paragraph B, D, F or
25 G or H is a Class C crime.

27

29 STATEMENT OF FACT

31 This bill makes it a Class C crime for a psychiatrist, a
33 psychologist or someone masquerading as a psychiatrist or a
35 psychologist, to engage in either sexual intercourse or a sexual
37 act with a person, other than a spouse, who is concurrently the
39 psychiatrist's, psychologist's or charlatan's patient. It is not
41 intended to prohibit this conduct once the professional
43 relationship is at an end.