

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
115TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 752, L.D. 1086, Bill, "An Act Regarding the Statute of Limitations in Cases of Child Abuse and Incest"

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

'Sec. 1. 14 MRSA §752-C, as amended by PL 1989, c. 292, is further 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 must be commenced within 6 12 years after the cause of action accrues, or within 3 6 years of the time the person discovers or reasonably should have discovered the harm, whichever occurs later.

Sec. 2. Application. This Act applies to the following actions based upon sexual intercourse or a sexual act with a person under the age of majority:

1. All actions based upon sexual intercourse or a sexual act occurring after the effective date of this Act; and

2. All actions for which the claim has not yet been barred by the previous statute of limitations in force on the effective date of this Act.

**FISCAL NOTE**

2  
4  
6  
8  
10

This bill extends the statute of limitations for civil actions based on sexual intercourse or a sexual act with a minor. The number of additional cases filed throughout the court system as a result of extending the statute of limitations can not be estimated at this time. If a significant increase in the number of new cases occurs, the Judicial Department will require additional General Fund appropriations for additional positions to handle the increased work load.'

12

**STATEMENT OF FACT**

14  
16  
18  
20  
22

This amendment replaces the bill. It extends the statute of limitations for civil actions based on sexual intercourse or a sexual act with a minor. Current law allows such suits only up to 6 years after the minor reaches the age of majority or up to 3 years after the person discovers that, as a minor, that person was sexually abused, whichever is longer. This amendment doubles each of those time periods in recognition of the significant unfairness these limits represent to young victims of sexual abuse.

24  
26  
28  
30  
32  
34  
36  
38  
40

The current statute of limitations is too rigid to accommodate the large number of cases in which the minor, although not repressing the memory of the abuse, is coerced by circumstances to not report or take any action on the abuse for years. These circumstances can exist, for example, where the minor remains for years in the same household as the perpetrator and, because of the young age of the minor and the often fiduciary-type relationship between the perpetrator and the minor, the perpetrator continues to exercise a certain degree of control over the minor through the relationship, fear or both. In cases such as this, there is no "discovery" because the minor was always aware of the abuse but could not, for various reasons, bring suit against the perpetrator by the age of 24. It is difficult for a person growing up in that environment to be able to take the perpetrator to court within such short time constraints.

42  
44  
46

Another type of situation that the current statute does not adequately address is that of persons who slowly, usually through therapy, remember or "discover" the facts of their abuse: what happened, when, where, who was involved. This can often be a lengthy process that can easily take up the full 3-year period in which they can bring a civil action.

48  
50

The current 3-year period to bring suit after discovery is not long enough for most people to realize what happened to them as children and also develop the courage and strength to file

COMMITTEE AMENDMENT "A" to H.P. 752, L.D. 1086

2 suit against the person who abused them to such an extent that  
their mind blocked it out for years.

4 The doubling of the limitations for bringing civil suits  
will at least start to address the inequities of the current  
6 law. The amendment includes an application section to state the  
Legislature's intent that the longer periods for filing suit  
8 apply not only to sexual abuse of minors that occurs after the  
effective date of this Act, but to the abuse that previously  
10 occurred for which the statute of limitations has not yet run.  
The Legislature determined this was the furthest back the statute  
12 could reach while still being constitutionally defensible.

Reported by the Committee on Judiciary  
Reproduced and distributed under the direction of the Clerk of the  
House  
(6/5/91) (Filing No. H-564)