

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

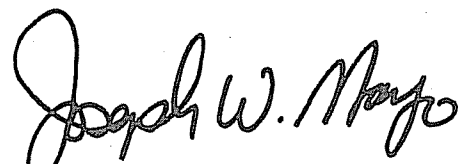
No. 450

H.P. 347

House of Representatives, February 11, 1993

An Act to Expand Protection to Persons with Mental Illness and Mental Retardation.

Reference to the Committee on Judiciary suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative GEAN of Alfred.
Cosponsored by Representatives: FITZPATRICK of Durham, GWADOSKY of Fairfield,
PENDEXTER of Scarborough, TOWNSEND of Portland, Senator: DUTREMBLE of York.

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

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

6 G-1. The actor owns, operates or is an employee of an
8 organization, program or residence that is operated,
10 administered, licensed or funded by the Department of Mental
12 Health and Mental Retardation or the Department of Human
Services and the other person, not the actor's spouse, is a
person with mental retardation or mental illness who
receives services provided by the actor from such an
organization, program or residence.

14 Sec. 2. 17-A MRSA §253, sub-§5, as amended by PL 1991, c. 569,
16 is further amended to read:

18 5. Violation of subsection 2, paragraph A, B, C, D, E or H
20 is a Class B crime. Violation of subsection 2, paragraph F, G or
22 G-1 I is a Class C crime.

24 Sec. 3. 17-A MRSA §255, sub-§1, ¶F, as amended by PL 1989, c.
26 401, Pt. A, §6, is further amended to read:

28 F. The other person, not the actor's spouse, has not in
30 fact attained the age of 18 years and is a student enrolled
32 in a private or public elementary, secondary or special
34 education school, facility or institution and the actor is a
36 teacher, employee or other official having instructional,
38 supervisory or disciplinary authority over the student; ~~or~~

40 Sec. 3. 17-A MRSA §255, sub-§1, ¶G, as enacted by PL 1989, c.
42 401, Pt. A, §6, is amended to read:

44 G. The other person has not in fact attained the age of 18
46 years and the actor is a parent, stepparent, foster parent,
48 guardian or other similar person responsible for the
long-term general care and welfare of that other person; or

40 Sec. 4. 17-A MRSA §255, sub-§1, ¶H is enacted to read:

42 H. The actor owns, operates or is an employee of an
44 organization, program or residence that is operated,
46 administered, licensed or funded by the Department of Mental
48 Health and Mental Retardation or the Department of Human
Services and the other person, not the actor's spouse, is a
person with mental retardation or mental illness who
receives services provided by the actor from such an
organization, program or residence.

STATEMENT OF FACT

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This bill prohibits sexual contact between persons who provide services to persons with mental illness and mental retardation and the people who are recipients of those services.