

# MAINE STATE LEGISLATURE

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L.D. 2453

DATE: 3-22-00

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**JUDICIARY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
119TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1747, L.D. 2453, Bill, "An Act Regarding the Statute of Limitations for Sexual Misconduct with a Minor"

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

Sec. 1. 14 MRSA §752-C, as amended by PL 1993, c. 176, §1, is repealed and the following enacted in its place:

**§752-C. Sexual acts toward minors**

**1. No limitation.** Actions based upon sexual acts toward minors may be commenced at any time.

**2. Sexual acts toward minors defined.** As used in this section, "sexual acts toward minors" means the following acts that are committed against or engaged in with a person under the age of majority:

**A. Sexual act, as defined in Title 17-A, section 251, subsection 1, paragraph C; or**

**B. Sexual contact, as defined in Title 17-A, section 251, subsection 1, paragraph D.**

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

1. All actions based on a sexual act or sexual contact occurring on or 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.'

Further amend the bill by inserting at the end before the summary the following:

#### FISCAL NOTE

This bill may increase the number of civil suits filed in the court system. The additional workload and administrative costs associated with the minimal number of new cases filed can be absorbed within the budgeted resources of the Judicial Department. The collection of additional filing fees may also increase General Fund revenue by minor amounts.'

#### SUMMARY

This amendment replaces the bill. It repeals and replaces the current law limiting civil actions for sexual acts toward minors.

This amendment provides that there is no statute of limitations for civil actions based on sexual acts toward minors that are based on sexual acts or sexual contact that either occurred after the effective date of this bill, or occurred prior to the effective date but for which the existing statute of limitations had not yet expired on the effective date of this bill. This amendment does not revive any case for which the period under the statute of limitations has already expired.

"Sexual acts toward minors" is defined to include both "sexual act" and "sexual contact" as defined in the Maine Criminal Code. There is no reference to specific crimes to avoid tying civil cases to crimes that may or may not have been reported or prosecuted, or to conduct that may not have been specifically defined as criminal at the time of the conduct.

The amendment also adds a fiscal note to the bill.