

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

SECOND REGULAR SESSION-2000

Legislative Document

No. 2453

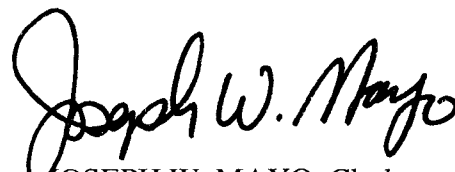
H.P. 1747

House of Representatives, January 10, 2000

**An Act Regarding the Statute of Limitations for Sexual Misconduct with
a Minor.**

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Judiciary suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative DUDLEY of Portland.
Cosponsored by Senator RAND of Cumberland and
Representatives: LEMOINE of Old Orchard Beach, MUSE of South Portland, NORBERT of
Portland, RICHARDSON of Brunswick, SAXL of Portland.

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

Sec. 1. 14 MRSA §752-C, as amended by PL 1993, c. 176, §1, is further amended by adding at the end a new paragraph to read:

Notwithstanding this section, an action involving sexual abuse of a minor, as defined in Title 17-A, section 254, or unlawful sexual contact, as defined in Title 17-A, section 255, may be commenced at any time.

Sec. 2. PL 1999, c. 438, §3 is amended to read:

Sec. 3. Application. This Act applies to the following crimes in which the victim has not attained 16 years of age at the time of the crime:

1. Unlawful sexual contact and sexual abuse of a minor committed on or after the effective date of this Act, and regardless of when the crime occurred.

~~2. Unlawful sexual contact and sexual abuse of a minor for which the prosecution has not yet been barred by the previous statute of limitations in force on the effective date of this Act.~~

Sec. 3. Application. This Act applies to civil and criminal actions based upon sexual intercourse, as defined in the Maine Revised Statutes, Title 17-A, section 556, subsection 1-B, or a sexual act, as defined in Title 17-A, chapter 11, in which the victim has not attained 16 years of age at the time of the crime regardless of when the cause of action or crime occurred.

Sec. 4. Retroactivity. That section of this Act that amends Public Law 1999, chapter 438, section 3 applies retroactively to September 18, 1999.

SUMMARY

Public Law 1999, chapter 438 removed the statute of limitations for the crimes of unlawful sexual contact and sexual abuse of a minor; the Act applied prospectively to crimes committed after the effective date of chapter 438, which was September 18, 1999, and to crimes the prosecution of which were already barred by previous statute of limitations.

This bill applies the removal of the statute of limitations retroactively to any crime of unlawful sexual contact or sexual abuse of a minor regardless of when the crime occurred. This bill also removes the current 12-year statute of limitations for civil actions based on the crimes of unlawful sexual contact and sexual abuse of a minor.