

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

SECOND REGULAR SESSION-2000

Legislative Document

No. 2672

H.P. 1926

House of Representatives, April 3, 2000

An Act to Amend the Unlawful Sexual Contact Penalties.

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Criminal Justice suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative LEMONT of Kittery.
Cosponsored by Senator RUHLIN of Penobscot and
Representatives: CAMERON of Rumford, DUNLAP of Old Town, McALEVEY of
Waterboro, MENDROS of Lewiston, MURPHY of Berwick, SCHNEIDER of Durham,
USHER of Westbrook, WHEELER of Eliot.

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

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Sec. 1. 17-A MRSA §255, sub-§1, ¶I, as amended by PL 1995, c. 560, Pt. K, §82 and affected by §83, is further amended to read:

I. The actor owns, operates or is an employee of an organization, program or residence that is operated, administered, licensed or funded by the Department of Mental Health, Mental Retardation and Substance Abuse Services or the Department of Human Services and the other person, not the actor's spouse, receives services from the organization, program or residence and the organization, program or residence recognizes that person as a person with mental retardation. It is an affirmative defense to prosecution under this paragraph that the actor receives services for mental retardation or is a person with mental retardation as defined in Title 34-B, section 5001, subsection 3; ~~or~~

Sec. 2. 17-A MRSA §255, sub-§1, ¶J, as enacted by PL 1995, c. 104, §6, is amended to read:

J. The other person, not the actor's spouse, has not in fact attained the age of 18 years and is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor, having attained the age of 21 years, is a teacher, employee or other official in the school district, school union, educational unit, school, facility or institution in which the student is enrolled; or

Sec. 3. 17-A MRSA §255, sub-§1, ¶K is enacted to read:

K. The other person has not in fact attained 12 years of age.

Sec. 4. 17-A MRSA §255, sub-§2, as amended by PL 1997, c. 460, §4, is further amended to read:

2. Unlawful sexual contact is a Class D crime, except that a violation of subsection 1, paragraph J is a Class E crime and except that a violation of subsection 1, paragraph C, G ~~or~~, H or K is a Class C crime.

SUMMARY

This bill makes unlawful sexual contact with a person under 12 years of age a Class C crime.