

# 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)

R.O.S.

L.D. 1983

DATE: 3-7-02

(Filing No. H-881)

MINORITY  
CRIMINAL JUSTICE

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
120TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1482, L.D. 1983, Bill, "An Act to Protect Children from Sexual Predators"

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

Sec. 1. 17-A MRSA §254, sub-§1, ¶¶D and E, as enacted by PL 2001, c. 383, §21 and affected by §156, are amended to read:

D. The person violates paragraph C and the actor knows that the student is related to the actor within the 2nd degree of consanguinity. Violation of this paragraph is a Class D crime; ~~or~~

E. The person violates paragraph C and the actor is at least 10 years older than the student. Violation of this paragraph is a Class D crime; ~~or~~

Sec. 2. 17-A MRSA §254, sub-§1, ¶F is enacted to read:

F. The person intentionally subjects another person, not the actor's spouse, who is either 14 or 15 years of age, to any sexual contact and the actor is at least 10 years older than the other person. Violation of this paragraph is a Class D crime.

Sec. 3. 17-A MRSA §254, sub-§1-A is enacted to read:

1-A. A person is also guilty of sexual abuse of a minor if the person intentionally subjects another person, not the actor's

R. of S.

2 spouse, who is either 14 or 15 years of age, to any sexual  
3 contact and the actor is at least 10 years older than the other  
4 person. It is a defense to a prosecution under this subsection  
5 that the actor reasonably believed the other person to have  
6 attained that person's 16th birthday. This subsection is  
7 repealed January 31, 2003.

8 **Sec. 4. 17-A MRSA §254, sub-§2**, as amended by PL 2001, c. 383,  
9 §21 and affected by §156, is further amended to read:

10 2. It is a defense to a prosecution under subsection 1,  
11 paragraphs A, A-1 and A-2 and F, that the actor reasonably  
12 believed the other person is at least 16 years of age.

13 **Sec. 5. 17-A MRSA §254, sub-§3**, as amended by PL 1997, c. 460,  
14 §§2 and 3, is further amended to read:

15 3. Violation of subsection 1, paragraph A or subsection 1-A  
16 is a Class D crime; and violation of subsection 1, paragraph C is  
17 a Class E crime; except that the sentencing class for a  
18 violation of subsection 1 is one class higher if the State pleads  
19 and proves:

20 A. The actor was more than 10 years older than the other  
21 person; or

22 B. The actor knew the other person was related to the actor  
23 within the 2nd degree of consanguinity.

24 **Sec. 6. Effective date.** Those sections of this Act that amend  
25 the Maine Revised Statutes, Title 17-A, section 254, subsection  
26 1, paragraphs D and E and enact paragraph F and amend Title 17-A,  
27 section 254, subsection 2 take effect January 31, 2003.'

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

30 **FISCAL NOTE**

31 This bill may increase prosecutions for Class D crimes. If  
32 a jail sentence is imposed, the additional costs to the counties  
33 are estimated to be \$83.36 per day per prisoner. The number of  
34 prosecutions that may result in a jail sentence and the resulting  
35 costs to the county jail system are expected to be insignificant.

36 The additional workload, administrative costs and indigent  
37 defense costs associated with the minimal number of new cases  
38 filed in the court system can be absorbed within the budgeted  
39 resources of the Judicial Department. The collection of  
40

R.O.S.

COMMITTEE AMENDMENT "A" to H.P. 1482, L.D. 1983

2 additional fines may also increase General Fund revenue by minor  
amounts.'

4

**SUMMARY**

6

8 This amendment replaces the bill and is the minority  
report. The amendment criminalizes intentional sexual contact  
10 with a person who is either 14 or 15 years of age who is not the  
actor's spouse, when the actor is at least 10 years older than  
the other person. This form of sexual abuse of a minor is a  
12 Class D crime. It is a defense to a prosecution for the new  
crime that the actor reasonably believed the other person to be  
14 at least 16 years of age.

16

The amendment also adds a fiscal note.