

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2008

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Legislative Document

No. 2013

H.P. 1397

House of Representatives, December 21, 2007

### **An Act To Extend the Application of Certain Rebuttable Presumptions in the Child Protection Laws**

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Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.  
Received by the Clerk of the House on December 19, 2007. Referred to the Committee on  
Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative SIMPSON of Auburn.  
Cosponsored by Senator NUTTING of Androscoggin and  
Representative: MILLS of Farmington.

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

2 **Sec. 1. 18-A MRSA §9-304, sub-§(b-1), ¶(2),** as enacted by PL 2005, c. 366,  
3 §1, is amended to read:

4 (2). Has been adjudicated in an action under Title 22, chapter 1071, or in a similar  
5 action in another state or federal court, of sexually abusing a person who was a minor  
6 at the time of the abuse.

7 **Sec. 2. 19-A MRSA §1653, sub-§6-B, ¶B,** as enacted by PL 2005, c. 366, §3, is  
8 amended to read:

9 B. Has been adjudicated in an action under Title 22, chapter 1071, or in a similar  
10 action in another state or federal court, of sexually abusing a person who was a minor  
11 at the time of the abuse.

12 **Sec. 3. 22 MRSA §4005-E, sub-§3, ¶B,** as enacted by PL 2005, c. 366, §6, is  
13 amended to read:

14 B. Has been adjudicated in an action under Title 22, chapter 1071, or in a similar  
15 action in another state or federal court, of sexually abusing a person who was a minor  
16 at the time of the abuse.

17 **SUMMARY**

18 This bill allows the use of a rebuttable presumption that jeopardy exists when a child  
19 has contact with a person who was convicted of the criminal offense of sexual abuse of a  
20 child whether the person was convicted in Maine or in another state or federal court.