

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

SECOND REGULAR SESSION-2012

Legislative Document

No. 1825

H.P. 1346

House of Representatives, February 16, 2012

**An Act To Change the Statutes of Limitations on Prosecution for
Crimes of Sexual Abuse and for Civil Actions for Sexual Abuse
When the Actor Is a Person in a Position of Authority**

(AFTER DEADLINE)

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

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

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative HASKELL of Portland.
Cosponsored by Senator SAVIELLO of Franklin and
Representatives: KNAPP of Gorham, MONAGHAN-DERRIG of Cape Elizabeth.

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

2 **Sec. 1. 14 MRSA §752-F** is enacted to read:

3 **§752-F. Sexual act by person with authority**

4 **1. No limitation.** A civil action based upon a sexual act may be commenced at any
5 time if that sexual act is committed or engaged in by an actor who is:

6 A. A teacher, employer or other official having instructional, supervisory or
7 disciplinary authority over the other person; or

8 B. A psychiatrist or psychologist or licensed as a social worker or purports to the
9 other person to be a psychiatrist or psychologist or licensed as a social worker and the
10 other person, not the actor's spouse, is a patient or client of the actor for mental health
11 therapy.

12 **2. Sexual act defined.** For purposes of this section, "sexual act" means:

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

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

15 **Sec. 2. 17-A MRSA §8, sub-§2,** as amended by PL 1999, c. 438, §2, is further
16 amended to read:

17 **2. Prosecutions** Except as provided in subsection 2-A, prosecutions for crimes other
18 than murder or criminal homicide in the first or 2nd degree, or, if the victim had not
19 attained the age of 16 years at the time of the crime, prosecutions for: incest; unlawful
20 sexual contact; sexual abuse of a minor; rape or gross sexual assault, formerly
21 denominated as gross sexual misconduct, are subject to the following periods of
22 limitations:

23 A. A prosecution for a Class A, Class B or Class C crime must be commenced within
24 6 years after it is committed; and

25 B. A prosecution for a Class D or Class E crime must be commenced within 3 years
26 after it is committed.

27 **Sec. 3. 17-A MRSA §8, sub-§2-A** is enacted to read:

28 **2-A.** A prosecution for a crime involving unlawful sexual touching, unlawful sexual
29 contact, sexual abuse of a minor, rape or gross sexual assault must be commenced within
30 10 years after it is committed if the actor is a teacher, employer or other official having
31 instructional, supervisory or disciplinary authority over the other person or is a
32 psychiatrist or psychologist or is licensed as a social worker or purports to the other
33 person to be a psychiatrist or a psychologist or licensed as a social worker and the other
34 person, not the actor's spouse, is a patient or client of the actor for mental health therapy.

35 **SUMMARY**

36 This bill:

1 1. Provides that a civil action based upon a sexual act that is committed or engaged
2 in by an actor who has certain authority over the other person may be commenced at any
3 time; and

4 2. Extends to 10 years the statute of limitations on prosecutions for crimes involving
5 unlawful sexual touching, unlawful sexual contact, sexual abuse of a minor, rape or gross
6 sexual assault if the actor has certain authority over the victim.