

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1491

S.P. 556

In Senate, May 2, 2013

**An Act To Strengthen the Laws Regarding Certain Crimes
Committed by a Person in a Position of Authority**

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator GERZOFKY of Cumberland.
Cosponsored by Representative DION of Portland and
Senators: DUTREMBLE of York, KATZ of Kennebec, LACHOWICZ of Kennebec,
PLUMMER of Cumberland, Representatives: Speaker EVES of North Berwick, LONG of
Sherman, MALABY of Hancock, SANDERSON of Chelsea.

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. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Health care provider" has the same meaning as in Title 34-B, section 11001,
7 subsection 1, paragraph E.

8 B. "Sexual act" means:

9 (1) A sexual act as defined in Title 17-A, section 251, subsection 1, paragraph C;
10 or

11 (2) Sexual contact as defined in Title 17-A, section 251, subsection 1, paragraph
12 D.

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

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

17 B. A health care provider, licensed as a social worker or a member of the clergy or
18 other spiritual advisor or who purports to the other person to be a health care
19 provider, licensed as a social worker or a member of the clergy or other spiritual
20 advisor and the other person, not the actor's spouse, is a patient or client of the actor
21 for mental health therapy.

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

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

30 A. A prosecution for a Class A, Class B or Class C crime must be commenced within
31 6 years after it is committed; and

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

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

35 **2-A.** A prosecution for a crime involving unlawful sexual touching, unlawful sexual
36 contact, sexual abuse of a minor, rape or gross sexual assault must be commenced within
37 10 years after it is committed if the actor is a teacher, employer or other official having

1 instructional, supervisory or disciplinary authority over the other person or is a health
2 care provider, is licensed as a social worker or is a member of the clergy or other spiritual
3 advisor or purports to the other person to be a health care provider, licensed as a social
4 worker or a member of the clergy or other spiritual advisor and the other person, not the
5 actor's spouse, is a patient or client of the actor for mental health therapy. As used in this
6 subsection, "health care provider" has the same meaning as in Title 34-B, section 11001,
7 subsection 1, paragraph E.

8 **SUMMARY**

9 This bill:

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

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