

MAINE STATE LEGISLATURE

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CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE

HOUSE OF REPRESENTATIVES

127TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 390, L.D. 566, Bill, "An Act To Protect Individuals from Breaches of Trust by Clergy Members"

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

Sec. 1. 17-A MRSA §251, sub-§1, ¶H is enacted to read:

H. "Domestic partner" means one of 2 unmarried adults who are domiciled together under a long-term arrangement that evidences a commitment to remain responsible indefinitely for each other's welfare.

Sec. 2. 17-A MRSA §253, sub-§2, ¶¶K and L, as enacted by PL 2011, c. 423, §3, are amended to read:

K. 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 Health and Human Services and the other person, not the actor's spouse, receives services from the organization, program or residence and suffers from a mental disability that is reasonably apparent or known to the actor. Violation of this paragraph is a Class C crime; or

L. The actor is employed to provide care to a dependent person, who is not the actor's spouse or domestic partner and who is unable to perform self-care because of advanced age or physical or mental disease, disorder or defect. ~~For the purposes of this paragraph, "domestic partners" means 2 unmarried adults who are domiciled together under a long term arrangement that evidences a commitment to remain responsible indefinitely for each other's welfare.~~ Violation of this paragraph is a Class C crime; or

Sec. 3. 17-A MRSA §253, sub-§2, ¶M is enacted to read:

M. The actor is a member of the clergy or purports to be a member of the clergy, including a priest, rabbi, Christian Science healer, imam or minister of any religious denomination, and is in a position of trust or authority over the other person and uses

1 the actor's position of trust or authority to engage in the sexual act and the other
2 person is not the actor's spouse or domestic partner. Violation of this paragraph is a
3 Class C crime.

4 **Sec. 4. 17-A MRSA §255-A, sub-§1, ¶¶W and X, as enacted by PL 2011, c.**
5 **423, §6, are amended to read:**

6 W. The actor is employed to provide care to a dependent person, who is not the
7 actor's spouse or domestic partner and who is unable to perform self-care because of
8 advanced age or physical or mental disease, disorder or defect. ~~For the purposes of~~
9 ~~this paragraph, "domestic partners" means 2 unmarried adults who are domiciled~~
10 ~~together under a long term arrangement that evidences a commitment to remain~~
11 ~~responsible indefinitely for each other's welfare. Violation of this paragraph is a~~
12 ~~Class D crime; or~~

13 X. The actor is employed to provide care to a dependent person, who is not the
14 actor's spouse or domestic partner and who is unable to perform self-care because of
15 advanced age or physical or mental disease, disorder or defect and the sexual contact
16 includes penetration. ~~For the purposes of this paragraph, "domestic partners" means~~
17 ~~2 unmarried adults who are domiciled together under a long term arrangement that~~
18 ~~evidences a commitment to remain responsible indefinitely for each other's welfare.~~
19 Violation of this paragraph is a Class C crime.;

20 **Sec. 5. 17-A MRSA §255-A, sub-§1, ¶¶Y and Z are enacted to read:**

21 Y. The actor is a member of the clergy or purports to be a member of the clergy,
22 including a priest, rabbi, Christian Science healer, imam or minister of any religious
23 denomination, and is in a position of trust or authority over the other person and uses
24 the actor's position of trust or authority to engage in the sexual contact and the other
25 person is not the actor's spouse or domestic partner. Violation of this paragraph is a
26 Class D crime; or

27 Z. The actor is a member of the clergy or purports to be a member of the clergy,
28 including a priest, rabbi, Christian Science healer, imam or minister of any religious
29 denomination, and is in a position of trust or authority over the other person and uses
30 the actor's position of trust or authority to engage in the sexual contact and the other
31 person is not the actor's spouse or domestic partner and the sexual contact includes
32 penetration. Violation of this paragraph is a Class C crime.

33 **Sec. 6. 17-A MRSA §260, sub-§1, ¶¶L and M, as enacted by PL 2011, c. 423,**
34 **§9, are amended to read:**

35 L. The actor owns, operates or is an employee of an organization, program or
36 residence that is operated, administered, licensed or funded by the Department of
37 Health and Human Services and the other person, not the actor's spouse, receives
38 services from the organization, program or residence and suffers from a mental
39 disability that is reasonably apparent or known to the actor. Violation of this
40 paragraph is a Class D crime; or

41 M. The actor is employed to provide care to a dependent person, who is not the
42 actor's spouse or domestic partner and who is unable to perform self-care because of
43 advanced age or physical or mental disease, disorder or defect. ~~For the purposes of~~



127th MAINE LEGISLATURE

LD 566

LR 1200(02)

An Act To Protect Individuals from Breaches of Trust by Clergy Members

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-111)

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

Establishes new Class C and D crimes, increases correctional and judicial costs.

The collection of additional fines may also increase General Fund revenue by minor amounts.