

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 838

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H.P. 587

House of Representatives, March 7, 2017

### **An Act To Prevent Sexual Abuse by Members of the Clergy**

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative GROHMAN of Biddeford.  
Cosponsored by Senator VOLK of Cumberland and  
Senator: CHENETTE of York.

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

2 **Sec. 1. 17-A MRSA §2, sub-§9-A** is enacted to read:

3 9-A. "Domestic partner" means one of 2 unmarried adults who are domiciled  
4 together under a long-term arrangement that evidences a commitment to remain  
5 responsible indefinitely for each other's welfare.

6 **Sec. 2. 17-A MRSA §253, sub-§2, ¶¶K and L**, as enacted by PL 2011, c. 423,  
7 §3, are amended to read:

8 K. The actor owns, operates or is an employee of an organization, program or  
9 residence that is operated, administered, licensed or funded by the Department of  
10 Health and Human Services and the other person, not the actor's spouse, receives  
11 services from the organization, program or residence and suffers from a mental  
12 disability that is reasonably apparent or known to the actor. Violation of this  
13 paragraph is a Class C crime; ~~or~~

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

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

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

28 **Sec. 4. 17-A MRSA §255-A, sub-§1, ¶¶W and X**, as enacted by PL 2011, c.  
29 423, §6, are amended to read:

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

37 X. The actor is employed to provide care to a dependent person, who is not the  
38 actor's spouse or domestic partner and who is unable to perform self-care because of  
39 advanced age or physical or mental disease, disorder or defect and the sexual contact  
40 includes penetration. ~~For the purposes of this paragraph, "domestic partners" means~~

1 ~~2 unmarried adults who are domiciled together under a long term arrangement that~~  
2 ~~evidences a commitment to remain responsible indefinitely for each other's welfare.~~  
3 Violation of this paragraph is a Class C crime;:

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

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

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

17 **Sec. 6. 17-A MRSA §260, sub-§1, ¶¶L and M**, as enacted by PL 2011, c. 423,  
18 §9, are amended to read:

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

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

32 **Sec. 7. 17-A MRSA §260, sub-§1, ¶N** is enacted to read:

33 N. The actor is a member of the clergy or purports to be a member of the clergy,  
34 including a priest, rabbi, Christian Science healer, imam or minister of any religious  
35 denomination, and is in a position of trust or authority over the other person and uses  
36 the actor's position of trust or authority to engage in the sexual touching and the other  
37 person is not the actor's spouse or domestic partner. Violation of this paragraph is a  
38 Class D crime.

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## SUMMARY

This bill makes it unlawful for a member of the clergy who is in a position of trust or authority over another person to use that clergyperson's position of trust or authority to engage in a sexual act, sexual contact or sexual touching with the other person. The bill amends the laws on the crimes of gross sexual assault, unlawful sexual contact and unlawful sexual touching.