

# MAINE STATE LEGISLATURE

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3/16/19  
R. G. S.

Date: 5/16/19

(Filing No. S-1(7) )

**CRIMINAL JUSTICE AND PUBLIC SAFETY**

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**STATE OF MAINE  
SENATE  
129TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 267, L.D. 913, Bill, "An Act To Protect the Public from Clergy Sexual Abuse"

Amend the bill by striking out the title and substituting the following:

**'An Act To Amend the Laws on Gross Sexual Assault, Unlawful Sexual Contact and Unlawful Sexual Touching To Include Counseling Professionals'**

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

**Sec. 1. 17-A MRSA §253, sub-§2, ¶I**, as repealed and replaced by PL 2011, c. 691, Pt. A, §13, is amended to read:

I. The actor is a psychiatrist, a psychologist or licensed as a social worker or counseling professional or purports to be a psychiatrist, a psychologist or licensed as a social worker or counseling professional to the other person and the other person, not the actor's spouse, is a current patient or client of the actor. Violation of this paragraph is a Class C crime;

**Sec. 2. 17-A MRSA §255-A, sub-§1, ¶U**, as repealed and replaced by PL 2011, c. 691, Pt. A, §14, is amended to read:

U. The actor is a psychiatrist, a psychologist or licensed as a social worker or counseling professional or purports to be a psychiatrist, a psychologist or licensed as a social worker or counseling professional to the other person and the other person, not the actor's spouse, is a current patient or client of the actor. Violation of this paragraph is a Class D crime;

**Sec. 3. 17-A MRSA §255-A, sub-§1, ¶V**, as repealed and replaced by PL 2011, c. 691, Pt. A, §15, is amended to read:

V. The actor is a psychiatrist, a psychologist or licensed as a social worker or counseling professional or purports to be a psychiatrist, a psychologist or licensed as a social worker or counseling professional to the other person and the other person,

**COMMITTEE AMENDMENT**

1 not the actor's spouse, is a current patient or client of the actor and the sexual contact  
2 includes penetration. Violation of this paragraph is a Class C crime;

3 **Sec. 4. 17-A MRSA §260, sub-§1, ¶K**, as repealed and replaced by PL 2011, c.  
4 691, Pt. A, §16, is amended to read:

5 K. The actor is a psychiatrist, a psychologist or licensed as a social worker or  
6 counseling professional or purports to be a psychiatrist, a psychologist or licensed as  
7 a social worker or counseling professional to the other person and the other person,  
8 not the actor's spouse, is a current patient or client of the actor. Violation of this  
9 paragraph is a Class D crime;'

10 **SUMMARY**

11 This amendment replaces the bill and provides a new title. The amendment amends  
12 the law on gross sexual assault, unlawful sexual contact and unlawful sexual touching to  
13 include all licensed counseling professionals as the actors in the gross sexual assault,  
14 unlawful sexual contact and unlawful sexual touching.

15 **FISCAL NOTE REQUIRED**

16 **(See attached)**



Approved: 04/27/19 *MBC*

# 129th MAINE LEGISLATURE

LD 913

LR 1763(02)

## An Act To Protect the Public from Clergy Sexual Abuse

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-117)

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

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### Fiscal Note

Current biennium cost increase - General Fund  
Minor revenue increase - General Fund  
Minor revenue increase - Other Special Revenue Funds

#### Correctional and Judicial Impact Statements

Small increase in the incidence of Class C crimes; increases correctional and judicial costs.

Small increase in the incidence of Class D crimes; increases correctional and judicial costs.

The additional workload associated with the minimal number of new cases filed in the court system does not require additional judicial funding at this time.

The collection of additional fine revenue will increase General Fund and dedicated revenue by minor amounts.

The Department of Corrections has not indicated a need for additional funding.

#### Fiscal Detail and Notes

Amending the law on gross sexual assault, unlawful sexual contact and unlawful sexual touching to include all licensed counseling professionals expands the number of individuals who will be subject to these crimes. Gross sexual assault represents a Class C crime, unlawful sexual contact either a Class C or D crime and unlawful sexual touching a Class D crime.