

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 913

S.P. 267

In Senate, February 19, 2019

An Act To Protect the Public from Clergy Sexual Abuse

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 DESCHAMBAULT of York. (BY REQUEST)
Cosponsored by Representative RECKITT of South Portland and
Senators: CARPENTER of Aroostook, CHENETTE of York, CLAXTON of Androscoggin,
DILL of Penobscot, MOORE of Washington, Representatives: COREY of Windham,
MADIGAN of Waterville, VEROW of Brewer.

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

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

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

6 **Sec. 2. 17-A MRSA §253, sub-§2, ¶L**, as amended by PL 2017, c. 300, §1, is
7 further amended to read:

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

15 **Sec. 3. 17-A MRSA §253, sub-§2, ¶M**, as enacted by PL 2017, c. 300, §2, is
16 amended to read:

17 M. The other person has not expressly or impliedly acquiesced to the sexual act.
18 Violation of this paragraph is a Class C crime; or

19 **Sec. 4. 17-A MRSA §253, sub-§2, ¶N** is enacted to read:

20 N. The actor is a member of the clergy or purports to be a member of the clergy,
21 including a priest, rabbi, Christian Science practitioner, imam or minister of any
22 religious denomination, is in a position of trust or authority over the other person,
23 causes the other person to submit to or participate in the sexual act by exploiting the
24 person's emotional dependency on the actor and the other person is not the actor's
25 spouse or domestic partner. Violation of this paragraph is a Class C crime.

26 **Sec. 5. 17-A MRSA §255-A, sub-§1, ¶¶W and X**, as enacted by PL 2011, c.
27 423, §6, are amended to read:

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

35 X. The actor is employed to provide care to a dependent person, who is not the
36 actor's spouse or domestic partner and who is unable to perform self-care because of
37 advanced age or physical or mental disease, disorder or defect and the sexual contact
38 includes penetration. ~~For the purposes of this paragraph, "domestic partners" means~~
39 ~~2 unmarried adults who are domiciled together under a long-term arrangement that~~

1 evidences a commitment to remain responsible indefinitely for each other's welfare.
2 Violation of this paragraph is a Class C crime.;

3 **Sec. 6. 17-A MRSA §255-A, sub-§1, ¶¶Y and Z** are enacted to read:

4 Y. The actor is a member of the clergy or purports to be a member of the clergy,
5 including a priest, rabbi, Christian Science practitioner, imam or minister of any
6 religious denomination, is in a position of trust or authority over the other person,
7 causes the other person to submit to or participate in the sexual contact by exploiting
8 the person's emotional dependency on the actor and the other person is not the actor's
9 spouse or domestic partner. Violation of this paragraph is a Class D crime; or

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

17 **Sec. 7. 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.;

32 **Sec. 8. 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 practitioner, imam or minister of any
35 religious denomination, is in a position of trust or authority over the other person,
36 causes the other person to submit to or participate in the sexual touching by
37 exploiting the person's emotional dependency on the actor and the other person is not
38 the actor's spouse or domestic partner. Violation of this paragraph is a 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 cause the other person to submit to or participate in a sexual act, sexual contact or sexual touching by exploiting the person's emotional dependency on the member of the clergy. It also places the current definition of "domestic partner" in the definition section of the Maine Revised Statutes, Title 17-A, chapter 11 and deletes repetitive definitions of "domestic partner" found throughout the chapter.