

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1375

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H.P. 996

House of Representatives, March 21, 2019

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**An Act To Prevent Law Enforcement Officers from Using Their  
Authority To Extract Sexual Favors**

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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 McCREA of Fort Fairfield.  
Cosponsored by Senator MIRAMANT of Knox, Senator MILLETT of Cumberland and  
Representatives: ALLEY of Beals, DODGE of Belfast, FECTEAU of Augusta, MARTIN of  
Sinclair, O'NEIL of Saco, Senator: CARPENTER of Aroostook.

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

2 **Sec. 1. 17-A MRSA §255-A, sub-§1, ¶¶W and X,** as enacted by PL 2011, c.  
3 423, §6, are amended to read:

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

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

18 **Sec. 2. 17-A MRSA §255-A, sub-§1, ¶¶ Y and Z** are enacted to read:

19 Y. The actor is a law enforcement officer and the other person, not the actor's spouse,  
20 is under arrest, in custody, being interrogated or temporarily detained, including  
21 during a traffic stop or questioning pursuant to an investigation of a crime, by the  
22 actor. Violation of this paragraph is a Class D crime; or

23 Z. The actor is a law enforcement officer and the other person, not the actor's spouse,  
24 is under arrest, in custody, being interrogated or temporarily detained, including  
25 during a traffic stop or questioning pursuant to an investigation of a crime, by the  
26 actor and the sexual contact includes penetration. Violation of this paragraph is a  
27 Class C crime.

28 **SUMMARY**

29 This bill makes sexual contact between a law enforcement officer and a person who  
30 is not the law enforcement officer's spouse while the person is under arrest, in custody,  
31 being interrogated or temporarily detained, including during a traffic stop or questioning  
32 pursuant to an investigation of a crime, by the law enforcement officer a Class D crime.  
33 If the sexual contact involves penetration, the sexual contact is a Class C crime.