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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 “ ” 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

**COMMITTEE AMENDMENT**

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~~

1 ~~this paragraph, "domestic partners" means 2 unmarried adults who are domiciled~~  
2 ~~together under a long term arrangement that evidences a commitment to remain~~  
3 ~~responsible indefinitely for each other's welfare. Violation of this paragraph is a~~  
4 ~~Class D crime; or~~

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

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

12 **Sec. 8. 34-A MRSA §11272, sub-§2, ¶B**, as enacted by PL 2011, c. 663, §3, is  
13 amended to read:

14 B. For an offense that contains the essential elements of a Tier I offense, Tier II  
15 offense or Tier III offense in effect at the time the criminal conduct occurred; or'

16 **SUMMARY**

17 This amendment replaces the bill and makes it unlawful for a member of the clergy  
18 who is in a position of trust or authority over another person to use that clergy's position  
19 of trust or authority to engage in a sexual act, sexual contact or sexual touching with the  
20 other person. It also places the current definition of "domestic partner" under the  
21 definition section of the Maine Revised Statutes, Title 17-A, chapter 11 and deletes  
22 repetitive definitions of "domestic partner" found throughout the chapter. This  
23 amendment clarifies that the Sex Offender Registration and Notification Act of 2013  
24 applies only prospectively, including with respect to offenses in other jurisdictions.

25 **FISCAL NOTE REQUIRED**

26 **(See attached)**