

**Report of the Criminal Law Advisory Commission
Pursuant to P.L. 2025, Chapter 479**

TO: Senator Anne Carney
Representative Amy Kuhn
Joint Standing Committee on Judiciary

FR: Criminal Law Advisory Commission (CLAC)
c/o Laura Yustak, Chair
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RE: Public Law 2025, Chapter 479

DA: January 6, 2026

Pursuant to Section 2 of Public Law 2025, Chapter 479, An Act Extending the Statute of Limitations on Criminal Actions Involving Aggravated Sex Trafficking, the Criminal Law Advisory Commission, with the assistance of information compiled by Judiciary Committee Analysts, reviewed “the statutes of limitation in Title 17-A, section 8 pertaining to sexual offenses committed against both adult and minor victims, including...whether parity exists between the statutes of limitation established in Title 17-A, section 8, subsection 1, paragraph B and section 8, subsection 2-A, as well as whether the extended limitation periods established in these provisions should apply to any other sexual offense crimes in the State.” CLAC is submitting this report to the Judiciary Committee pursuant to Chapter 479.

17-A M.R.S. § 8, Statute of Limitations, and its Application to Sex Crimes

Amendments to 17-A M.R.S. § 8 beginning in 1991 have extended the statutes of limitations that apply to sex crimes against both children and adults. The current language of both § 8(1)(B) and § 8(2-A) constitutes expansions of the limitations periods of six years (A, B and C crimes) and three years (D and E crimes) that the Legislature had initially assigned to crimes (other than homicide crimes) when it enacted the Maine Criminal Code. P.L. 1975, c. 499 (eff. May 1, 1975). At the time of enactment of the Criminal Code, limitations periods were linked only to the seriousness of the offense by reference to the class of the crime.¹

As reflected in the current language of § 8(1)(B), the Legislature has eliminated the statutes of limitations for most sex crimes against children (meaning that prosecution can be commenced at any time, as long as the limitations period had not expired prior to the extension of the statute). These changes recognize that crimes against children are often disclosed long after the conduct at issue. Crimes are included in this category regardless of sentencing class. Thus, the severity of the crimes included in §8(1)(B) ranges from Class A to Class E.

¹ When the Legislature assigns a sentencing class to a crime, it reflects the level of seriousness ascribed to the crime. See Lund, “Introduction to the Proposed Code,” accompanying P.L. 1975, c. 499, reproduced in 17-A M.R.S.A. (Pamph. 1976, pp. xxii-xxiii).

Sub-section (2-A) applies a twenty-year statute of limitations to Class A, B, and C crimes of gross sexual assault and unlawful sexual contact, regardless of the age of the victim, and the Class A and B crimes of aggravated sex trafficking, again without regard to the age of the victim.

Other sexual assault crimes remain subject to the standard limitations period. For example, a Class D unlawful sexual contact crime against an adult victim would be subject to a three-year limitations period.

Incongruities Identified by CLAC

CLAC noted that the most recent amendment to section 8 placed the crime of aggravated sex trafficking, 17-A M.R.S. § 852, in sub-section 2-A (twenty-year SOL). These are Class A and Class B sex crimes that involve compelling adults to engage in prostitution, as well as promoting prostitution of minors or persons suffering from a mental disability. Since other serious sex crimes against minors are included in § 8(1)(B) (no limitations period), CLAC questioned the rationale of not including the version of aggravated sex trafficking against minors in § 8(1)(B) alongside other sex crimes against minors. Of particular note, and again in contrast to the treatment of aggravated sex trafficking, even less serious Class D sex crimes against children such as unlawful sexual touching are included in § 8(1)(B) (no limitations period). To be consistent with its approach to other sex crimes against children, the Legislature may consider placing aggravated sex trafficking against a minor victim within § 8(1)(B) (no limitations period).

CLAC progressed to a discussion of the reasons for there being no limitations period to prosecute most sex crimes against children. Deviation from the earlier and more strictly class-based statute of limitations recognizes that victims may not disclose conduct committed “in secret” for many years due for many reasons, including trauma, fear, power imbalances, ongoing relationship between victim and alleged offender, and tender years. We noted that some of the policy reasons for eliminating the statute of limitations with respect to young victims (delayed disclosure; seriousness of offense; vulnerability of victim) could also apply to a victim “who suffers from a mental disability that is reasonably apparent or known to the actor and that in fact renders [the victim] substantially incapable of appraising the nature of the conduct involved.” This vulnerable victim category is included not only in aggravated sex trafficking, but other sexual assault crimes as well (e.g., gross sexual assault, unlawful sexual contact, unlawful sexual touching). CLAC is not making a specific recommendation with respect to whether certain sex crimes against minors and persons with a mental disability should be subject to the same limitations period, but as we were not aware of whether the Legislature had considered this line of thought when assessing what limitations period to assign to each crime, we note it here.

CLAC also noted that commercial sexual exploitation of a minor or person with mental disability, 17-A M.R.S. § 855, is not specifically included in either § 8(1)(B) or § 8(2-A). As a Class C crime not specifically included in these extended categories, it is subject to the standard six-year limitations period outlined in § 8(2). Again, CLAC does not have the information to know whether the Legislature determined not to include commercial sexual exploitation for a particular policy reason. If not, and to be consistent with the current approach (extended limitations period for sex crimes against minors), the Legislature may wish to consider extending the statute of limitations for commercial sexual exploitation. To be consistent with the current statute, the extended period would apply only to commercial sexual exploitation against victims under 18. To continue to exclude this crime from an extended limitations period highlights a glaring inconsistency, in that

this Class C sex crime against a minor is subject to a six-year limitations period, while Class D unlawful sexual touching crimes against minors are subject to no limitations period.

General Recommendations

In the course of discussing the specific issues above, CLAC members remained aware of the complexity inherent in extending or otherwise amending limitations periods. While delayed disclosure, seriousness of offense, and victim vulnerability may support extending limitations periods, older cases are both more difficult to prove and at the same time more difficult to defend. Future legislation should take into account the seriousness of the offense (as denoted by the sentencing class) as lawmakers seek to balance these sometimes competing policy concerns.

As the Committee has recognized, revisiting and amending limitations periods bit by bit presents challenges for all persons subject to and attempting to apply the law. It becomes increasingly difficult to determine which limitations periods apply. Abstruse statutes can create confusion and unrealistic expectations for victims as well. Any future amendments should be comprehensive, with clearly identified policy goals, to avoid further piecemeal amendments.

CLAC strongly recommends that any future changes to statutes of limitations include application guidance and specific effective dates in the language of the enacted statute. Currently, application provisions are often included in unallocated language. The unallocated language may not include a specific effective date. See, e.g., P.L. 2025, C. 479, § 3. The practical effect is that anyone reading the enacted statute does not see the unallocated language (which does not appear in the Revised Statutes online) and cannot know the statute of limitations applicable to a specific crime without researching the statutory history, determining the effective date of the amendment applicable to the particular crime, and assessing whether the previous statute of limitations had expired prior to the effective date of the extension.

CLAC is available to respond to or otherwise assist the Committee and its staff with respect to future proposals the Committee may wish to pursue.

*CLAC is an advisory body established by the Legislature. 17-A M.R.S. §§ 1351-1357. It consists of 9 members appointed by the Attorney General. Current members include defense attorneys, prosecutors, Maine Bar Counsel, and a retired practitioner with experience as defense counsel, prosecutor and in court administration. In addition, three sitting judges and one retired practitioner, appointed by the Chief Justice of the Supreme Judicial Court, and, by statute, the Co-Chairs of the Legislature's Committee on Criminal Justice and Public Safety, serve as consultants. The Supreme Judicial Court's Criminal Process Manager serves as liaison from the Court to CLAC. CLAC advises the Legislature on matters relating to crimes in the Criminal Code and in other Titles, the Bail and Juvenile Codes, and with respect to other statutes related to criminal justice processes.