

Criminal Statutes of Limitations

Maine

Last Updated: April 2023

Gross sexual assault

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none">1. There is no time limit to commence legal proceedings against the perpetrator for this crime when the victim was under the age of sixteen (16) at the time of the commission of the offense; or2. If the victim was aged sixteen (16) or older at the time the offense was committed, prosecution must be commenced within twenty (20) years after the offense was committed.
Statutory citation(s):	<ol style="list-style-type: none">1. Citation for the crime: Me. Rev. Stat. tit. 17-A, § 253. This statute was amended by 2017 Me. Legis. Serv. Ch. 300 (S.P. 216) (L.D. 654) (WEST) effective as of November 1, 2017. The amendment does not affect the information provided here. This crime was formerly called "gross sexual misconduct."2. Citation for the statute of limitations: Me. Rev. Stat. tit. 17-A, § 8.

Sexual abuse of minors

Question	Answer
What is the statute of limitations for this crime?	<p>Sexual abuse of minors is a Class C, D, or E crime depending upon the circumstances.</p> <ul style="list-style-type: none">• Class C crime if:<ul style="list-style-type: none">• the actor engages in a sexual act with another person, not the actor's spouse, who is either 14 or 15 years of age and the actor is at least 5 years older than the other person, and the actor knows that the other person is related to the actor within the 2nd degree of consanguinity; or• the actor engages in a sexual act with another person, not the actor's spouse, who is either 14 or 15 years of age and the actor is at least 5 years older than the other person, and the actor is at least 10 years older than the other person.• Class D crime if:<ul style="list-style-type: none">• the victim is not the actor's spouse, who is either 14 or 15 years of age and the actor is at least 5 years older than the other person; or• the actor is at least 21 years of age and engages in a sexual act with another person, not the actor's spouse, who is either 16 or 17 years of age and is a student enrolled in a private or public

	<p>elementary, secondary or special education school, facility or institution and the actor is a teacher, employee or other official in the school district, school union, educational unit, school, facility or institution in which the student is enrolled, and the actor knows that the student is related to the actor within the 2nd degree of consanguinity, and the actor is at least 10 years older than the student; or</p> <ul style="list-style-type: none"> the actor is at least 21 years of age and engages in a sexual act with another person, not the actor's spouse, who is either 16 or 17 years of age and is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor is a teacher, employee or other official in the school district, school union, educational unit, school, facility or institution in which the student is enrolled, and the actor knows that the student is related to the actor within the 2nd degree of consanguinity. <ul style="list-style-type: none"> Class E crime if: <ul style="list-style-type: none"> the person is at least 21 years of age and engages in a sexual act with another person, not the actor's spouse, who is either 16 or 17 years of age and is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor is a teacher, employee or other official in the school district, school union, educational unit, school, facility or institution in which the student is enrolled. <p><u>Statute of Limitations</u></p> <ol style="list-style-type: none"> If the victim was under age sixteen (16) at the time of the commission of the offense, there is no time limit to commence legal proceedings against the perpetrator for this crime; or If the victim was aged sixteen (16) or older at the time of the commission of the offense: For Class A, B, or C crimes, a prosecution must commence within six (6) years after the commission of the offense; or for Class D and E crimes, a prosecution must commence within three (3) years after the commission of the offense.
Statutory citation(s):	<ol style="list-style-type: none"> Citation for the crime: Me. Rev. Stat. tit. 17-A, § 254. Citation for the statute of limitations: Me. Rev. Stat. tit. 17-A, § 8.

Unlawful sexual contact

Question	Answer
What is the statute of limitations for this crime?	<p>Unlawful sexual contact is a Class A, B, C, or D crime depending upon the circumstances.</p> <ul style="list-style-type: none"> Class A crime if: <ul style="list-style-type: none"> the actor intentionally subjects another person to any sexual contact and: <ul style="list-style-type: none"> the other person, not the actor's spouse, is in fact less than 12 years of age and the actor is at

least 3 years older and the sexual contact includes penetration.

- Class B crime if:
 - the actor intentionally subjects another person to any sexual contact and:
 - the other person, not the actor's spouse, is in fact less than 12 years of age and the actor is at least 3 years older;
 - the other person, not the actor's spouse, is in fact less than 14 years of age and the actor is at least 3 years older and the sexual contact includes penetration;
 - the other person is in fact less than 18 years of age and the actor is a parent, stepparent, foster parent, guardian or other similar person responsible for the long-term general care and welfare of that other person and the sexual contact includes penetration; or
 - the other person submits as a result of compulsion and the sexual contact includes penetration.
- Class C crime if:
 - the actor intentionally subjects another person to any sexual conduct and:
 - the other person has not expressly or impliedly acquiesced in the sexual contact, the actor is criminally negligent with regard to whether the other person has acquiesced and the sexual contact includes penetration;
 - the other person is unconscious or otherwise physically incapable of resisting and has not consented to the sexual contact and the sexual contact includes penetration;
 - the other person, not the actor's spouse, is in fact less than 14 years of age and the actor is at least 3 years older;
 - the other person suffers from a mental disability that is reasonably apparent or known to the actor that in fact renders the other person substantially incapable of appraising the nature of the contact involved or of understanding that the other person has the right to deny or withdraw consent and the sexual contact includes penetration;
 - the other person, not the actor's spouse, is under official supervision as a probationer, a parolee, a sex offender on supervised release, a prisoner on supervised community confinement status or a juvenile on community reintegration status or is detained in a hospital, prison or other institution and the actor has supervisory or disciplinary authority over the other person and the sexual contact includes penetration;
 - the other person, not the actor's spouse, is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor is a teacher, employee or other official having instructional, supervisory or disciplinary authority over the student and the sexual contact includes penetration or the actor was a substitute teacher who had instructional, supervisory or disciplinary authority over the student at any time during the 12 months prior to the sexual contact and the sexual contact included penetration;
 - the other person is in fact less than 18 years of age and the actor is a parent, stepparent, foster parent, guardian or other similar person responsible for the long-term general care and welfare of that other person;
 - the other person submits as a result of compulsion;

- 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 the organization, program or residence recognizes that other person as a person with an intellectual disability or autism and the sexual contact includes penetration;
 - 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 and the sexual contact includes penetration;
 - 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 and the sexual contact includes penetration; or
 - 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 and the sexual contact includes penetration.
- Class D crime if:
 - the actor intentionally subjects another person to any sexual contact and:
 - the other person has not expressly or impliedly acquiesced in the sexual contact and the actor is criminally negligent with regard to whether the other person has acquiesced;
 - the other person is unconscious or otherwise physically incapable of resisting and has not consented to the sexual contact;
 - the other person, not the actor's spouse, is in fact either 14 or 15 years of age and the actor is at least 10 years older than the other person;
 - the other person suffers from a mental disability that is reasonably apparent or known to the actor that in fact renders the other person substantially incapable of appraising the nature of the contact involved or of understanding that the other person has the right to deny or withdraw consent;
 - the other person, not the actor's spouse, is under official supervision as a probationer, a parolee, a sex offender on supervised release, a prisoner on supervised community confinement status or a juvenile on community reintegration status or is detained in a hospital, prison or other institution and the actor has supervisory or disciplinary authority over the other person;
 - the other person, not the actor's spouse, is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor is a teacher, employee or other official having instructional, supervisory or disciplinary authority over the student or the actor was a substitute teacher who had instructional, supervisory or disciplinary authority over the student at any time during the 12 months prior to the sexual contact;
 - 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 the organization, program or residence recognizes that other person as a person with an intellectual disability or autism;

- 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;
- the other person, not the actor's spouse, is in fact less than 18 years of age and is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor, who is at least 21 years of age, is a teacher, employee or other official in the school district, school union, educational unit, school, facility or institution in which the student is enrolled and the sexual contact includes penetration;
- 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; or
- 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.

Statute of Limitations

1. There is no time limit to commence legal proceedings against the perpetrator for this crime when victim was under the age of sixteen (16) at the time of commission of the offense; or
2. For a Class A, B, or C crime involving unlawful sexual contact, legal proceedings must be commenced within twenty (20) years after the commission of the offense; or
3. For Class D crimes, legal proceedings must be commenced within three (3) years after the commission of the offense.

Statutory citation(s):

1. Citation for the crime: Me. Rev. Stat. tit. 17-A, § 255-A.
2. Citation for the statute of limitations: Me. Rev. Stat. tit. 17-A, § 8.

Unlawful sexual touching

Question

Answer

What is the statute of limitations for this crime?	1. Legal proceedings against the perpetrator must commence within three (3) years after the commission of the offense.
Statutory citation(s):	1. Citation for the crime: Me. Rev. Stat. tit. 17-A, § 260. 2. Citation for the statute of limitations: Me. Rev. Stat. tit. 17-A, § 8.

Sexual exploitation of minor

Question	Answer
What is the statute of limitations for this crime?	1. Legal proceedings against the perpetrator must commence within six (6) years after the commission of the offense.
Statutory citation(s):	1. Citation for the crime: Me. Rev. Stat. tit. 17-A, § 282. 2. Citation for the statute of limitations: Me. Rev. Stat. tit. 17-A, § 8.

Incest

Question	Answer
What is the statute of limitations for this crime?	<p>Incest is a Class C or D crime, depending upon the circumstances.</p> <ul style="list-style-type: none"> • Class C crime if: <ul style="list-style-type: none"> • the person is at least 18 years of age and: <ul style="list-style-type: none"> • engages in sexual intercourse with another person who the actor knows is related to the actor within the 2nd degree of consanguinity and, at the time of the incest, the person has 2 or more prior Maine convictions under this section or for engaging in substantially similar conduct tot hat contained in this section in another jurisdiction. • Class D crime if <ul style="list-style-type: none"> • the person is at least 18 years of age and engages in sexual intercourse with another person who the actor knows is related to the actor within the 2nd degree of consanguinity. <p><u>Statute of Limitations</u></p> <p>1. There is no time limit to commence legal proceedings against the perpetrator for this crime when victim was under the age of sixteen (16) at the time of commission of the offense; or</p>

	2. If the victim was aged sixteen (16) or older at the time of the commission of the offense: Prosecution must commence within six (6) years after the commission of the offense if a Class C crime; or within three (3) years after the commission of the offense if a Class D crime.
Statutory citation(s):	1. Citation for the crime: Me. Rev. Stat. tit. 17-A, § 556. 2. Citation for the statute of limitations: Me. Rev. Stat. tit. 17-A, § 8.

Indecent Conduct

Question	Answer
What is the statute of limitations for this crime?	1. Legal proceedings against the perpetrator must commence within three (3) years after the commission of the offense.
Statutory citation(s):	1. Citation for the crime: Me. Rev. Stat. tit. 17-A, § 854. 2. Citation for the statute of limitations: Me. Rev. Stat. tit. 17-A, § 8.

Sexual misconduct with a child under 14

Question	Answer
What is the statute of limitations for this crime?	<p>This crime is classified as a:</p> <ul style="list-style-type: none"> • Class C crime if offender is at least eighteen (18) years of age, victim is under age twelve (12), and the offender knowingly displays any sexually explicit materials to victim with the intent to encourage victim to engage in a sexual act or sexual conduct; or • Class D crime if offender is at least eighteen (18) years of age, victim is under age fourteen (14), and the offender knowingly displays any sexually explicit materials to victim with the intent to encourage victim to engage in a sexual act or sexual conduct. <p>The statute of limitations for this crime depends on the classification above.</p> <ol style="list-style-type: none"> 1. Legal proceedings against the perpetrator must commence within six (6) years after the commission of the offense if a Class C crime; or 2. Within three (3) years after the commission of the offense if a Class D crime.

Statutory citation(s):	1. Citation for the crime: Me. Rev. Stat. tit. 17-A, § 258. 2. Citation for the statute of limitations: Me. Rev. Stat. tit. 17-A, § 8.
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Visual sexual aggression against a child

Question	Answer
What is the statute of limitations for this crime?	<p>Visual sexual aggression against a child is a Class C or D crime, depending upon the circumstances.</p> <ul style="list-style-type: none"> • Class C crime if: <ul style="list-style-type: none"> • for the purpose of arousing or gratifying sexual desire, the actor, having in fact attained 18 years of age, exposes the actor's genitals to another person or causes the other person to expose that person's genitals to the actor and the other person, not the actor's spouse, as not in fact attained 12 years of age; or if • for the purpose of arousing or gratifying sexual desire, the actor, having in fact attained 18 years of age, intentionally engages in visual surveillance, aided or unaided by mechanical or electronic equipment, of the uncovered breasts, buttocks, genitals, anus or pubic area of another person, not the actor's spouse and not having in fact attained 12 years of age, under circumstances in which a reasonable person would expect to be safe from such visual surveillance. • Class D crime if: <ul style="list-style-type: none"> • for the purpose of arousing or gratifying sexual desire or for the purpose of causing affront or alarm, the actor, having in fact attained 18 years of age, exposes the actor's genitals to another person or causes the other person to expose that person's genitals to the actor and the other person, not the actor's spouse, has not in fact attained 14 years of age; or if • for the purpose of arousing or gratifying sexual desire, the actor, having in fact attained 18 years of age, intentionally engages in visual surveillance, aided or unaided by mechanical or electronic equipment, of the uncovered breasts, buttocks, genitals, anus or pubic area of another person, not the actor's spouse and not having in fact attained 14 years of age, under circumstances in which a reasonable person would expect to be safe from such visual surveillance. <p>Statute of Limitations</p> <ol style="list-style-type: none"> 1. For a Class C crime, legal proceedings must be commenced within six (6) years after the commission of the offense. 2. For a Class D crime, legal proceedings must be commenced within three (3) years after the commission of the offense.

Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Me. Rev. Stat. tit. 17-A, § 256. 2. Citation for the statute of limitations: Me. Rev. Stat. tit. 17-A, § 8.
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Sex trafficking

Question	Answer
What is the statute of limitations for this crime?	<p>Sex trafficking is a Class B or C crime, depending upon the circumstances.</p> <ol style="list-style-type: none"> 1. For a Class B crime, legal proceedings must be commenced within six (6) years after the commission of the offense. 2. For a Class D crime, legal proceedings must be commenced withing three (3) years after the commission of the offense.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Me. Rev. Stat. tit. 17-A, § 853. 2. Citation for the statute of limitations: Me. Rev. Stat. tit. 17-A, § 8.

Aggravated sex trafficking

Question	Answer
What is the statute of limitations for this crime?	Legal proceedings against the perpetrator must commence within six (6) years after the commission of the offense.
Statutory citation(s):	<ol style="list-style-type: none"> 1. Citation for the crime: Me. Rev. Stat. tit. 17-A, § 852. 2. Citation for the statute of limitations: Me. Rev. Stat. tit. 17-A, § 8.

Are there any exceptions to the statute of limitations laws?

Question	Answer
Exceptions	<ul style="list-style-type: none"> • The periods of limitations shall not run: <ul style="list-style-type: none"> • During any time when the accused is absent from the State, but in no event shall this provision extend the period of limitation otherwise applicable by more than 5 years; • During any time when a prosecution against the accused for the same crime based on the same conduct is pending in this State; o • During any time when a prosecution against the accused for the corresponding juvenile crime based on the same conduct is pending in the Juvenile Court. For purposes of this section, pending includes any appeal period and, if an appeal is taken, any period pending its final disposition. <p>If a timely complaint, information or indictment is dismissed for any error, defect, insufficiency or irregularity, a new prosecution for the same crime based on the same conduct may be commenced within 6 months after the dismissal, or during the next session of the grand jury, whichever occurs later, even though the periods of limitations have expired at the time of such dismissal or will expire within such period of time. Me. Rev. Stat. tit. 17-A, § 8 (3)-(4).</p>

Anything else I should know?

Question	Answer
Anything else I should know?	<ul style="list-style-type: none"> • A crime is committed when every element thereof has occurred, or if the crime consists of a continuing course of conduct, at the time when the course of conduct or the defendant's complicity therein is terminated. Me. Rev. Stat. tit. 17-A, § 8(6). • A prosecution is commenced whenever one of the following occurs: (1) A criminal complaint is filed; (2) An indictment is returned; or (3) Following waiver of an indictment, an information is filed. Me. Rev. Stat. tit. 17-A, § 8(6).