

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND ELEVENTH LEGISLATURE

**FIRST REGULAR SESSION**  
December 1, 1982 to June 24, 1983  
Chapters 1-452

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ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1983

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

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## CHAPTER 326

H.P. 864 - L.D. 1113

### AN ACT to Amend Certain Provisions of the Laws Defining Sex Offenses.

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

Sec. 1. 17-A MRSA §253, sub-§2, ¶D, as amended by PL 1975, c. 740, §49, is further amended to read:

D. The other person is unconscious or otherwise physically incapable of resisting and has not consented to such sexual intercourse or sexual act; ~~or~~

Sec. 2. 17-A MRSA §253, sub-§2, ¶E, as enacted by PL 1975, c. 499, §1, is amended to read:

E. The other person is in official custody as a probationer or a parolee, or is detained in a hospital, prison or other institution, and the actor has supervisory or disciplinary authority over such other person; or

Sec. 3. 17-A MRSA §253, sub-§2, ¶F is enacted to read:

F. The other person has not in fact attained his 18th birthday 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 having instructional, supervisory or disciplinary authority over the student.

Sec. 4. 17-A MRSA §253, sub-§5, as enacted by PL 1975, c. 499, §1, is amended to read:

5. Violation of subsection 2, ~~paragraphs~~ paragraph A, C or E is a Class B crime. Violation of subsection 2, ~~paragraphs~~ paragraph B ~~or~~, D or F is a Class C crime.

Sec. 5. 17-A MRSA §255, sub-§1, ¶D, as amended by PL 1979, c. 701, §22, is further amended to read:

D. The other person suffers from a mental disability that is reasonably apparent or known to the actor which in fact renders the other person substantially incapable of appraising the nature

of the contact involved; ~~or~~

Sec. 6. 17-A MRSA §255, sub-§1, ¶E, as enacted by PL 1975, c. 499, §1, is amended to read:

E. The other person is in official custody as a probationer or parolee or is detained in a hospital, prison or other institution and the actor has supervisory or disciplinary authority over such other person; or

Sec. 7. 17-A MRSA §255, sub-§1, ¶F is enacted to read:

F. The other person has not in fact attained his 18th birthday 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 having instructional, supervisory or disciplinary authority over the student.

Effective September 23, 1983.

## CHAPTER 327

H.P. 932 - L.D. 1177

### AN ACT to Amend the Protection and Advocacy Agency for the Developmentally Disabled in Maine Statutes.

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

Sec. 1. 20-A MRSA §7202, sub-§§7 and 8, as enacted by PL 1981, c. 693, §§5 and 8, are amended to read:

7. Parent's right to be a member of the team. Notify in writing the exceptional student's parent, surrogate parent or guardian of their right to be a member of the team and place a copy of the notice in the exceptional student's permanent records; ~~and~~

8. Facility construction, renovation and repair. Seek approval in advance from the commissioner for construction, renovation or repair, with or aided by public funds, of facilities intended for the education of exceptional students; or give assurances that other facilities in the school administrative unit