

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1042

H. P. 873

House of Representatives, February 26, 1981

Referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Kane of South Portland.

Cosponsors: Representative Nelson of Portland, Representative Masterton of Cape Elizabeth, Senator Kerry of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Define Force under the Sex Offense Provisions of the Criminal Code.

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

17-A MRSA § 251, sub-§ 1, ¶ E is enacted to read:

E. "Force" means either actual physical force or threat of force. A threat of force occurs when a person is compelled to submit to an act of sexual intercourse or a sexual act as a direct result of a threat of physical force or a threat of violence or a threat of bodily harm, to himself or another.

STATEMENT OF FACT

This bill reintroduces the concept of constructive force into the rape statute.

Enacts statutorily the rule of *State v. Mower*, 298 A.2d 759, Me. 1973, and overrules *State v. Colson*, 405 A.2d 717, Me. 1979 and *State v. Perry*, 408 A.2d 1300, Me. 1979.