

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1113

6
7 H.P. 864

House of Representatives, March 8, 1983

8 Submitted by the Department of Educational and Cultural Services pur-
9 suant to Joint Rule 24.

10 On Motion of Representative Hobbins of Saco referred to the Committee
on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Connolly of Portland.

11 Cosponsors: Representative Matthews of Caribou, Representative
Andrews of Portland and Representative Ketover of Portland.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Amend Certain Provisions of the
18 Laws Defining Sex Offenses.
19

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

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

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

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

30 E. The other person is in official custody as a
31 probationer or a parolee, or is detained in a
32 hospital, prison or other institution, and the

1 actor has supervisory or disciplinary authority
2 over such other person-; or

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

5 F. The other person has not in fact attained his
6 19th birthday and is a student enrolled in a pri-
7 rate or public elementary, secondary or special
8 education school, facility or institution and the
9 actor is a teacher, employee or other official
10 having instructional, supervisory or disciplinary
11 authority over the student.

12 Sec. 4. 17-A MRSA §253, sub-§5, as enacted by PL
13 1975, c. 499, §1, is amended to read:

14 5. Violation of subsection 2, ~~paragraphs para-~~
15 ~~graph~~ A, C or E is a Class B crime. Violation of
16 subsection 2, ~~paragraphs paragraph~~ B ~~or~~, D or F is a
17 Class C crime.

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

20 D. The other person suffers from a mental dis-
21 ability that is reasonably apparent or known to
22 the actor which in fact renders the other person
23 substantially incapable of appraising the nature
24 of the contact involved; ~~or~~

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

27 E. The other person is in official custody as a
28 probationer or parolee or is detained in a hospi-
29 tal, prison or other institution and the actor
30 has supervisory or disciplinary authority over
31 such other person-; or

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

34 F. The other person has not in fact attained his
35 19th birthday and is a student enrolled in a pri-
36 rate or public elementary, secondary or special

