

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 544

S.P. 217

In Senate, February 12, 1991

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

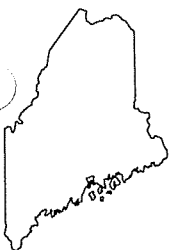
JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BRAWN of Knox
Cosponsored by Representative PFEIFFER of Brunswick.

STATE OF MAINE

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

An Act to Amend the Laws Governing Sexual Assault.



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

2
4 17-A MRSA §251, sub-§1, ¶E, as enacted by PL 1981, c. 252,
§1, is amended to read:

6 E. "Compulsion" means physical force, a threat of physical
8 force or a combination thereof which that makes--a--person
10 unable-to-physically-repel causes the person to submit to
12 the actor or which produces in that person a reasonable fear
that death, serious bodily injury or kidnapping might be
imminently inflicted upon that person or upon another human
being.

14
16 **STATEMENT OF FACT**

18 This bill revises the definition of "compulsion" in the
20 context of gross sexual assaults, such as rapes. There is
22 concern that the current definition makes convictions impossible
24 if the victim of the assault freezes or otherwise does not fight
against the attacker to repel the assault. This definition
protects those victims who submit to the assault because of the
physical force used or because of the threat of the use of
physical force.