

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 814

S.P. 305

In Senate, February 26, 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 HOLLOWAY of Lincoln

Cosponsored by Senator GAUVREAU of Androscoggin and Representative FARNSWORTH of Hallowell.

STATE OF MAINE

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

An Act to Amend the Law Relating to Gross Sexual Assault.



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

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Sec. 1. 17-A MRSA §253, sub-§2, ¶¶H and I, as enacted by PL 1989, c. 401, Pt. A, §4, are amended to read:

H. The other person has not in fact attained the age of 18 years and the actor is a parent, stepparent, foster parent, guardian or other similar person responsible for the long-term care and welfare of that other person; ~~or~~

I. The actor is a psychiatrist, a psychologist or licensed as a social worker or purports to be a psychiatrist, a psychologist or licensed as a social worker to the other person and the other person, not the actor's spouse, is a patient or client for mental health therapy of the actor. As used in this paragraph, "mental health therapy" means psychotherapy or other treatment modalities intended to change behavior, emotions or attitudes, ~~which therapy~~ that is based upon an intimate relationship involving trust and dependency with a substantial potential for vulnerability and abuse; or

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

J. The other person has not expressly or impliedly acquiesced in the sexual act.

Sec. 3. 17-A MRSA §253, sub-§5, as repealed and replaced by PL 1989, c. 401, Pt. A, §4, is amended to read:

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

STATEMENT OF FACT

This bill expands the definition of gross sexual assault to include instances when a person has not expressly or impliedly acquiesced in the act. The bill also makes a violation of the Maine Revised Statutes, Title 17-A, section 253, subsection 2, paragraph J, a Class C crime.