

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

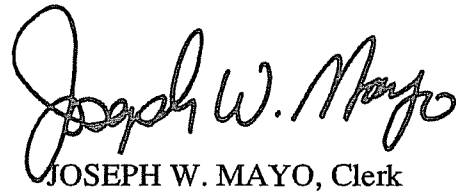
No. 1109

H.P. 823

House of Representatives, April 1, 1993

An Act to Amend the Sexual Assault Laws.

Reference to the Committee on Judiciary suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative CATHCART of Orono.
Cosponsored by Representatives: BENNETT of Norway, COTE of Auburn, MORRISON of Bangor, OTT of York, PARADIS of Augusta, Senators: HANLEY of Oxford, PINGREE of Knox.

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

2
4 **Sec. 1. 17-A MRSA §251, sub-§1, ¶C**, as repealed and replaced
by PL 1985, c. 495, §5, is amended to read:

6 C. "Sexual act" means:

8 (1) Any act between 2 persons involving direct
10 physical contact between the genitals of one and the
12 mouth or anus of the other, or direct physical contact
between the genitals of one and the genitals of the
other;

14 (2) Any act between a person and an animal being used
16 by another person which act involves direct physical
18 contact between the genitals of one and the mouth or
anus of the other, or direct physical contact between
the genitals of one and the genitals of the other; ~~er~~

20 (3) Any act involving direct physical contact between
22 the genitals or anus of one and an instrument or device
24 manipulated by another person when that act is done for
the purpose of arousing or gratifying sexual desire or
for the purpose of causing bodily injury or offensive
physical contact. ~~;~~ or

26 (4) Any act involving direct physical contact between
28 the genitals and anus of one and any body part of the
30 other when penetration occurs and when that act is done
32 for the purpose of arousing or gratifying sexual desire
or for the purpose of causing bodily injury or
offensive physical contact.

34 A As defined in subparagraphs (1) to (3), a sexual act may
36 be proved without allegation or proof of penetration. To
prove a sexual act under subparagraph (4), penetration must
be alleged and proved.

38 **Sec. 2. 17-A MRSA §255, sub-§1, ¶F**, as amended by PL 1989, c.
40 401, Pt. A, §6, is further amended to read:

42 F. The other person, not the actor's spouse, has not in
44 fact attained the age of 18 years and is a student enrolled
46 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,
48 supervisory or disciplinary authority over the student; ~~er~~

