

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 1983

H.P. 1482

House of Representatives, December 20, 2001

An Act to Protect Children from Sexual Predators.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 17, 2001. Referred to the Committee on Criminal Justice pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative MENDROS of Lewiston.

Cosponsored by Senator McALEVEY of York and

Representatives: BRUNO of Raymond, CLOUGH of Scarborough, MICHAEL of Auburn, NORBERT of Portland, RICHARDSON of Brunswick, SCHNEIDER of Durham, Senators: President BENNETT of Oxford, SAWYER of Penobscot.

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

2 **Sec. 1. 17-A MRSA §253, sub-§1, ¶B**, as repealed and replaced
4 by PL 1989, c. 401, Pt. A, §4 and amended by PL 2001, c. 383, §14
6 and affected by §156, is repealed and the following enacted in
its place:

8 B. The other person, not the actor's spouse, has not in
10 fact attained the age of 16 years. Violation of this
paragraph is a Class A crime.

12 **Sec. 2. 17-A MRSA §254, sub-§1, ¶A**, as amended by PL 1995, c.
14 104, §1 and amended by PL 2001, c. 383, §21 and affected by §156,
is repealed and the following enacted in its place:

16 A. The person engages in a sexual act with another person,
18 not the actor's spouse, who is either 16 or 17 years of age
and the actor is at least 5 years older than the other
20 person. Violation of this paragraph is a Class D crime;

22 **Sec. 3. 17-A MRSA §254, sub-§2**, as amended by PL 1985, c. 495,
24 §10 and amended by PL 2001, c. 383, §21 and affected by §156, is
repealed and the following enacted in its place:

26 2. It is a defense to a prosecution under subsection 1,
paragraphs A, A-1 and A-2 that the actor reasonably believed the
28 other person to be at least 18 years of age.

30 **Sec. 4. 17-A MRSA §255, sub-§1, ¶C**, as amended by PL 1989, c.
401, Pt. A, §6, is further amended to read:

32 C. The other person, not the actor's spouse, has not in
34 fact attained the age of ~~14~~ 16 years and the actor is at
least 3 years older. This paragraph is repealed January 31,
2003;

36 **Sec. 5. 17-A MRSA §255-A, sub-§1, ¶¶E and F**, as enacted by PL
38 2001, c. 383, §23 and affected by §156, are amended to read:

40 E. The other person, not the actor's spouse, is in fact
42 less than ~~14~~ 16 years of age and the actor is at least 3
years older. Violation of this paragraph is a Class C crime;

44 F. The other person, not the actor's spouse, is in fact
46 less than ~~14~~ 16 years of age and the actor is at least 3
years older and the sexual contact includes penetration.
Violation of this paragraph is a Class B crime;

48 **Sec. 6. 17-A MRSA §258**, as enacted by PL 1997, c. 143, §1, is
50 amended to read:

