

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 681

H.P. 472

House of Representatives, February 28, 2017

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**An Act Regarding Sexual Activity and Sexual Assault at Secondary  
and Postsecondary Educational Institutions**

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Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative DAUGHTRY of Brunswick.  
Cosponsored by Senator MAKER of Washington and  
Representatives: FARNSWORTH of Portland, MADIGAN of Waterville, McCREIGHT of  
Harpwell, MONAGHAN of Cape Elizabeth, MOONEN of Portland, TEPLER of Topsham,  
TIPPING of Orono.

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

2 **Sec. 1. 20-A MRSA §4723**, as enacted by PL 1983, c. 859, Pt. C, §§5 and 7, is  
3 amended to read:

4 **§4723. Health and physical education**

5 The secondary course of study ~~shall~~ must include instruction in health, safety and  
6 physical education, as prescribed by the commissioner, and physiology and hygiene, with  
7 special reference to the effects of alcoholic drinks, stimulants and narcotics upon the  
8 human system. The secondary course of study must also include instruction on  
9 affirmative consent, communication and decision making regarding sexual activity and  
10 the effects of alcoholic drinks, stimulants and narcotics on the ability to give affirmative  
11 consent, communicate and make appropriate decisions. For purposes of this section,  
12 "affirmative consent" means consent to sexual activity that can be revoked at any time  
13 and does not include silence, lack of resistance or consent given while intoxicated.

14 **Sec. 2. 20-A MRSA §10014** is enacted to read:

15 **§10014. Record of sexual assault**

16 If a student of a postsecondary educational institution is convicted of sexual assault  
17 committed on the campus of the postsecondary educational institution, the postsecondary  
18 educational institution shall make a notation of the conviction on the student's transcript.  
19 For purposes of this section, "sexual assault" includes a conviction under Title 17-A,  
20 chapter 11 or 12.

21 **SUMMARY**

22 This bill requires that instruction involving affirmative consent, communication and  
23 decision making regarding sexual activity be a mandatory part of secondary school  
24 instruction. "Affirmative consent" is defined as consent to sexual activity that can be  
25 revoked at any time and does not include silence, lack of resistance or consent given  
26 while intoxicated. This bill also requires a postsecondary educational institution to make  
27 a notation on a student's transcript if the student has been convicted of sexual assault  
28 committed on the campus of the postsecondary educational institution.