

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 7, 1994 to June 30, 1995**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 29, 1995**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1995**

A. The actor was more than 10 years older than the other person;

B. The actor knew the other person was related to the actor within the 2nd degree of consanguinity; or

C. The actor has 2 or more prior Maine convictions for violations of this section. For purposes of this subsection, the dates of both of the prior convictions must precede the commission of the offense being enhanced by no more than 5 years, although both prior convictions may have occurred on the same day. The date of a conviction is deemed to be the date that sentence is imposed, even though an appeal was taken. The date of a commission of an offense is presumed to be that stated in the complaint, information or indictment, notwithstanding the use of the words "on or about" or the equivalent.

**Sec. 4. 17-A MRSA §255, sub-§1, ¶H,** as amended by PL 1993, c. 687, §5, is further amended to read:

H. The other person submits as a result of compulsion; ~~or~~

**Sec. 5. 17-A MRSA §255, sub-§1, ¶I,** as enacted by PL 1993, c. 687, §6, is amended to read:

I. The actor owns, operates or is an employee of an organization, program or residence that is operated, administered, licensed or funded by the Department of Mental Health and Mental Retardation or the Department of Human Services and the other person, not the actor's spouse, receives services from the organization, program or residence and the organization, program or residence recognizes that person as a person with mental retardation. It is an affirmative defense to prosecution under this paragraph that the actor receives services for mental retardation or is a person with mental retardation as defined in Title 34-B, section 5001, subsection 3-; or

**Sec. 6. 17-A MRSA §255, sub-§1, ¶J** is enacted to read:

J. The other person, not the actor's spouse, has not in fact attained the age of 18 years and is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor, having attained the age of 21 years, is a teacher, employee or other official in the school district, school union, educational unit, school, facility or institution in which the student is enrolled.

**Sec. 7. 17-A MRSA §255, sub-§2,** as repealed and replaced by PL 1993, c. 687, §7, is amended to read:

2. Unlawful sexual contact is a Class D crime, except that a violation of subsection 1, paragraph J is a Class E crime and except that a violation of subsection 1, paragraph C, G or H is a Class C crime, and a violation of this section when the actor has 2 or more prior Maine convictions for violations of this section is a Class C crime. For purposes of this subsection, the dates of both of the prior convictions must precede the commission of the offense being enhanced by no more than 5 years, although both prior convictions may have occurred on the same day. The date of a conviction is deemed to be the date that sentence is imposed, even though an appeal was taken. The date of a commission of an offense is presumed to be that stated in the complaint, information or indictment, notwithstanding the use of the words "on or about" or the equivalent.

See title page for effective date.

## CHAPTER 105

S.P. 300 - L.D. 839

### An Act to Allow the Workers' Compensation Board to Regulate Nonfinancial Aspects of Workers' Compensation Arbitration

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

**Sec. 1. 39-A MRSA §314, sub-§7,** as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 and 11, is amended to read:

7. **Fee; rules.** The board shall by rule provide for the amount of the fee to be paid to the arbitrator by the board and establish administrative processes to review, adopt and monitor arbitration plans.

See title page for effective date.

## CHAPTER 106

S.P. 320 - L.D. 901

### An Act to Clarify the Use of the Power of Sale Foreclosures Regarding Limited Liability Corporations

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