

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**June 19, 2018 to September 13, 2018**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**DECEMBER 13, 2018**

**ONE HUNDRED AND TWENTY-NINTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2018 to June 20, 2019**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 2019**

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

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**Augusta, Maine**  
**2019**

**CHAPTER 196**  
**H.P. 578 - L.D. 773**

**An Act Regarding Secondary  
School Education Concerning  
Sexual Activity and Sexual  
Assault**

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

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

**§4723. Health and physical education**

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

**Sec. 2. 20-A MRSA §6209, sub-§4**, as amended by PL 2015, c. 489, §6, is further amended to read:

**4. Review cycle.** The commissioner shall conduct a review of the content standards and performance indicators by content area on a 5-year cycle beginning in the 2015-2016 school year. The review of the content standards and performance indicators for the content area of social studies, including student achievement of proficiency in personal finance, must be included in the commissioner's review during the 2015-2016 school year. Any changes that are recommended must be approved through the same process used for establishment of the system of learning results. Beginning in the 2016-2017 school year, the commissioner shall review and make recommendations for objective measures that may be used to substantiate school certifications of postsecondary readiness. The review of the content standards and performance indicators for the content area of health, physi-

cal education and wellness, including instruction on affirmative consent, communication and decision making regarding sexual activity and the effects of alcoholic drinks, stimulants and narcotics on the ability to give affirmative consent, communicate and make appropriate decisions, must be included in the commissioner's review beginning in the 2019-2020 school year.

See title page for effective date.

**CHAPTER 197**  
**H.P. 605 - L.D. 831**

**An Act Concerning Visitation  
Rights of Great-grandparents**

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

**Sec. 1. 19-A MRSA §1801**, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

**§1801. Short title**

This chapter is known and may be cited as the "Grandparents and Great-grandparents Visitation Act."

**Sec. 2. 19-A MRSA §1802, sub-§1**, as amended by PL 2017, c. 402, Pt. C, §37 and affected by Pt. F, §1, is further amended to read:

**1. Grandparent.** "Grandparent" is a parent of a child's parent or the parent of a child's parent. "Grandparent" includes a parent of a child's parent whose parental rights have been terminated pursuant to Title 18-C, section 9-204 or Title 22, chapter 1071, subchapter 6, but only until the child's adoption.

**Sec. 3. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 19-A, chapter 59, in the chapter headnote, the words "visitation rights of grandparents" are amended to read "visitation rights of grandparents and great-grandparents" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.