

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND THIRTY-FIRST LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 7, 2022 to March 30, 2023**

**FIRST SPECIAL SESSION**  
**April 5, 2023 to July 26, 2023**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NONEMERGENCY LAWS IS**  
**JUNE 29, 2023**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NONEMERGENCY LAWS IS**  
**OCTOBER 25, 2023**

**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**  
**2023**

**CHAPTER 280**  
**S.P. 662 - L.D. 1657**

**An Act to Define "Consent"**  
**and Amend the Law Governing**  
**Certain Sexual Offenses**

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

**Sec. 1. 17-A MRSA §251, sub-§1, ¶E-1** is enacted to read:

E-1. "Consent" means a word or action by a person that indicates a freely given agreement.

**Sec. 2. 17-A MRSA §253, sub-§2, ¶M**, as amended by PL 2021, c. 608, Pt. E, §1, is further amended to read:

M. The other person has not ~~expressly or impliedly acquiesced~~ consented to the sexual act and the actor is criminally negligent with regard to whether the other person has ~~acquiesced~~ consented. Violation of this paragraph is a Class C crime; or

**Sec. 3. 17-A MRSA §255-A, sub-§1, ¶A**, as amended by PL 2021, c. 608, Pt. E, §2, is further amended to read:

A. The other person has not ~~expressly or impliedly acquiesced in~~ consented to the sexual contact and the actor is criminally negligent with regard to whether the other person has ~~acquiesced~~ consented. Violation of this paragraph is a Class D crime;

**Sec. 4. 17-A MRSA §255-A, sub-§1, ¶B**, as amended by PL 2021, c. 608, Pt. E, §3, is further amended to read:

B. The other person has not ~~expressly or impliedly acquiesced in~~ consented to the sexual contact, the actor is criminally negligent with regard to whether the other person has ~~acquiesced~~ consented and the sexual contact includes penetration. Violation of this paragraph is a Class C crime;

**Sec. 5. 17-A MRSA §260, sub-§1, ¶A**, as amended by PL 2021, c. 608, Pt. E, §4, is further amended to read:

A. The other person has not ~~expressly or impliedly acquiesced in~~ consented to the sexual touching and the actor is criminally negligent with regard to whether the other person has ~~acquiesced~~ consented. Violation of this paragraph is a Class D crime;

See title page for effective date.

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**CHAPTER 281**  
**H.P. 1115 - L.D. 1736**

**An Act to Advance the**  
**National HIV/AIDS Strategy in**  
**Maine by Broadening HIV**  
**Testing**

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

**Sec. 1. 5 MRSA §19203-G** is enacted to read:

**§19203-G. HIV testing in conjunction with testing for possible sexually transmitted diseases and infections**

Subject to the consent and procedure requirements of section 19203-A, subsection 1, a health care provider shall include an HIV test in the standard set of medical tests performed on an individual with a possible sexually transmitted disease or infection.

See title page for effective date.

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**CHAPTER 282**  
**S.P. 326 - L.D. 767**

**An Act to Provide Uniform**  
**Protections from Retaliation**  
**for Maine Workers in**  
**Connection with the Exercise**  
**of Rights Protected Under the**  
**Laws Governing Employment**  
**Practices**

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

**Sec. 1. 26 MRSA c. 7, sub-c. 1-D** is enacted to read:

**SUBCHAPTER 1-D**  
**GENERAL PROVISIONS**

**§620. Actions intended to prevent exercise of protected rights**

An employer that takes action intended to prevent or penalize a person from exercising rights protected under this chapter commits a civil violation for which a fine of not less than \$500 nor more than \$1,000 for each violation may be adjudged, in addition to any other remedy available under this chapter. The Department of Labor and the Attorney General may file a civil action to enforce this section.