

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

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;