



Senator Donna Bailey
3 State House Station
Augusta, ME 04333-0003
Office (207) 287-1515

Testimony of Senator Donna Bailey introducing
LD 1657, An Act to Amend the Law Governing Certain Sexual Offenses
Before the Joint Standing Committee on Criminal Justice and Public Safety
April 24, 2023

Senator Beebe-Center, Representative Salisbury and Esteemed Members of the Joint Standing Committee on Criminal Justice and Public Safety, my name is Donna Bailey, and I proudly represent Senate District 31, which includes Buxton, Old Orchard Beach, and Saco. Today I am pleased to introduce LD 1657, “An Act to Amend the Law Governing Certain Sexual Offenses.”

LD 1657 has two main components. First, it changes the term “expressly or impliedly acquiesced” to the word “consent.” The term “expressly or impliedly acquiesced” is only found in some of our sexual assault laws and nowhere else in statute. However, the word consent is throughout our statutes, including in other places of our sexual assault statute. Expressly or impliedly acquiesced is not a term that the general public uses and may actually have very different meanings to different people. By changing that term to consent, we are using terminology that is common and consistent. About 14,000¹ Mainers a year experience sexual violence. It is likely that none of those survivors said they did not expressly or impliedly acquiesce.

Second, the bill goes a step further and statutorily defines consent as “a word or action by a person that indicates a freely given agreement” for all Title 17-A, Chapter 11 crimes. Statutory definitions can help establish and affirm social norms, and can serve as a backbone for public messaging and education. While the legal definition of consent, by itself, is unlikely to reduce rates of sexual violence, it is an essential component of efforts to redefine cultural expectations. That is, it would help emphatically establish that sexual violence is not acceptable. Effective legal and social frameworks for understanding consent are essential for a society that broadly rejects sexual violence.

This bill looks to hold offenders accountable and provide the best victim safety. To do that, we need to use language in our statute that is accessible, easily understood, and gives our law enforcement and prosecutors a chance to prove the crime beyond a reasonable doubt. This bill is supported by our sexual assault advocacy groups, prosecutors, and law enforcement in Maine.

¹ Statistic from MECASA

Thank you for your time, I would be happy to answer any questions.

A handwritten signature in black ink, appearing to read 'Donna Bailey', with a long horizontal flourish extending to the right.

Donna Bailey
State Senator, Senate District 31
Buxton, Old Orchard Beach, and Saco