



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 681

H.P. 472

House of Representatives, February 28, 2017

An Act Regarding Sexual Activity and Sexual Assault at Secondary and Postsecondary Educational Institutions

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative DAUGHTRY of Brunswick.
Cosponsored by Senator MAKER of Washington and
Representatives: FARNSWORTH of Portland, MADIGAN of Waterville, McCREIGHT of
Harpwell, MONAGHAN of Cape Elizabeth, MOONEN of Portland, TEPLER of Topsham,
TIPPING of Orono.

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

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

4 **§4723. Health and physical education**

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

14 **Sec. 2. 20-A MRSA §10014** is enacted to read:

15 **§10014. Record of sexual assault**

16 If a student of a postsecondary educational institution is convicted of sexual assault
17 committed on the campus of the postsecondary educational institution, the postsecondary
18 educational institution shall make a notation of the conviction on the student's transcript.
19 For purposes of this section, "sexual assault" includes a conviction under Title 17-A,
20 chapter 11 or 12.

21 **SUMMARY**

22 This bill requires that instruction involving affirmative consent, communication and
23 decision making regarding sexual activity be a mandatory part of secondary school
24 instruction. "Affirmative consent" is defined as consent to sexual activity that can be
25 revoked at any time and does not include silence, lack of resistance or consent given
26 while intoxicated. This bill also requires a postsecondary educational institution to make
27 a notation on a student's transcript if the student has been convicted of sexual assault
28 committed on the campus of the postsecondary educational institution.