

§556. Incest

1. A person is guilty of incest if the person is at least 18 years of age and:

A. Engages in sexual intercourse with another person who the actor knows is related to the actor within the 2nd degree of consanguinity. Violation of this paragraph is a Class D crime; or [PL 2001, c. 383, §70 (NEW); PL 2001, c. 383, §156 (AFF).]

B. Violates paragraph A and, at the time of the incest, the person has 2 or more prior Maine convictions under this section or for engaging in substantially similar conduct to that contained in this section in another jurisdiction. Section 9-A governs the use of prior convictions when determining a sentence. Violation of this paragraph is a Class C crime. [PL 2007, c. 476, §25 (AMD).]

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1-A. It is a defense to a prosecution under this section that, at the time the actor engaged in sexual intercourse with the other person, the actor was legally married to the other person.

[PL 1989, c. 401, Pt. A, §7 (AMD).]

1-B. As used in this section "sexual intercourse" means any penetration of the female sex organ by the male sex organ. Emission is not required.

[PL 1989, c. 401, Pt. A, §7 (NEW).]

1-C. As used in this section, "related to the actor within the 2nd degree of consanguinity" has the following meanings.

A. When the actor is a woman, it means the other person is her father, grandfather, son, grandson, brother, brother's son, sister's son, father's brother or mother's brother. [PL 2001, c. 383, §71 (NEW); PL 2001, c. 383, §156 (AFF).]

B. When this actor is a man, it means the other person is his mother, grandmother, daughter, granddaughter, sister, brother's daughter, sister's daughter, father's sister or mother's sister. [PL 2001, c. 383, §71 (NEW); PL 2001, c. 383, §156 (AFF).]

[PL 2001, c. 383, §71 (NEW); PL 2001, c. 383, §156 (AFF).]

2.

[PL 2001, c. 383, §72 (RP); PL 2001, c. 383, §156 (AFF).]

SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 1975, c. 740, §72 (AMD). PL 1977, c. 510, §57 (AMD). PL 1989, c. 401, §A7 (AMD). PL 1993, c. 451, §3 (AMD). PL 2001, c. 383, §§70-72 (AMD). PL 2001, c. 383, §156 (AFF). PL 2007, c. 476, §25 (AMD).

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