

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 834

H.P. 593

House of Representatives, February 16, 2005

An Act To Prevent Camcorder Piracy

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative GERZOFKY of Brunswick.
Cosponsored by Senator DAVIS of Piscataquis and
Representatives: ASH of Belfast, BLANCHETTE of Bangor, BLISS of South Portland,
BRYANT of Windham, HANLEY of Gardiner, PELLETIER-SIMPSON of Auburn,
PLUMMER of Windham, RINES of Wiscasset.

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

4 **Sec. 1. 17 MRSA c. 114**, as amended, is further amended by
6 repealing the chapter headnote and enacting the following in its
8 place:

10 **CHAPTER 114**

12 **DETENTION OF CERTAIN PERSONS**
14 **SUSPECTED OF STEALING**

16 **Sec. 2. 17 MRSA §3521**, as amended by PL 1989, c. 122, §1, is
18 further amended to read:

20 **§3521. Detention of certain persons suspected of stealing**

22 A store or motion picture theater owner, manager or
24 supervisor, or that person's designee, may detain on the premises
26 in a reasonable manner and for a reasonable period of time ~~not to~~
28 ~~exceed 1/2-hour~~ any person as to whom there is probable cause to
30 believe is unlawfully concealing merchandise or concealing part
32 of or operating an audiovisual or audio recording function of any
34 device in the motion picture theater while a motion picture is
36 being exhibited, without the written consent of the motion
38 picture theater owner. The purposes of detention shall-be are: To
40 to require the person being detained to provide identification;
42 to verify the identification; to inform a law enforcement officer
44 of the detention and to surrender that person to the officer; to
46 recover stolen merchandise or recordings and related equipment;
48 and when the detained person is a minor, to inform a law
50 enforcement officer or the parents or guardian of the minor of
the detention and to surrender the minor to the person so
informed.

34 **Sec. 3. 17-A MRSA §352, sub-§5, ¶D**, as amended by PL 2001, c.
36 389, §2, is further amended to read:

38 D. If the value of property or services cannot be
40 ascertained beyond a reasonable doubt pursuant to the
42 standards set forth in paragraphs A to C, the trier of fact
44 may find the value to be not less than a certain amount, and
46 if no such minimum value can be thus ascertained, the value
48 is deemed to be an amount less than \$500. Notwithstanding
50 this provision, for the purposes of this chapter, the value
of any audio or visual recording of all or any part of a
motion picture that is obtained through the use of any type
of recording device in a motion picture theater while a
motion picture is being exhibited, without the written
consent of the motion picture theater owner, is deemed to be
no less than \$5,000.

2 **Sec. 4. 17-A MRSA §353, sub-§1**, as amended by PL 2001, c. 667,
Pt. D, §3 and affected by §36, is further amended to read:

4 1. A person is guilty of theft if:

6 A. The person obtains or exercises unauthorized control
8 over the property of another with intent to deprive the
10 other person of the property. Violation of this paragraph
is a Class E crime; ~~or~~

12 B. The person violates paragraph A and:

14 (1) The value of the property is more than \$10,000.
Violation of this subparagraph is a Class B crime;

16 (2) The property stolen is a firearm or an explosive
18 device. Violation of this subparagraph is a Class B
crime;

20 (3) The person is armed with a dangerous weapon at the
22 time of the offense. Violation of this subparagraph is
a Class B crime;

24 (4) The value of the property is more than \$1,000 but
26 not more than \$10,000. Violation of this subparagraph
is a Class C crime;

28 (5) The value of the property is more than \$500 but
30 not more than \$1,000. Violation of this subparagraph
is a Class D crime; or

32 (6) The person has 2 prior Maine convictions for any
34 combination of the following: theft; any violation of
36 section 401 in which the crime intended to be committed
inside the structure is theft; any violation of section
38 405 in which the crime intended to be committed inside
the motor vehicle is theft; any violation of section
651; any violation of section 702, 703 or 708; or
40 attempts thereat. Section 9-A governs the use of prior
convictions when determining a sentence. Violation of
42 this subparagraph is a Class C crime; or

44 C. The person knowingly operates an audiovisual or audio
46 recording function of any device in a motion picture theater
48 while a motion picture is being exhibited, without the
written consent of the motion picture theater owner.
Violation of this paragraph is a Class C crime.

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SUMMARY

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4 This bill makes camcorder piracy and receiving stolen
6 property obtained through camcorder piracy a Class C crime unless
8 a higher value is determined. The bill also extends the
 protection afforded a store owner when detaining a person
 suspected of shoplifting to a theater owner when detaining a
 person suspected of illegally recording motion pictures.