

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 290

S. P. III

In Senate, January 21, 1971

Referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Quinn of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

**AN ACT Defining the Crime of Theft Known as Shopstealing and
Establishing Rights and Penalties.**

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

R. S., T. 17, c. 114, additional. Title 17 of the Revised Statutes is amended by adding a new chapter 114, to read as follows:

**CHAPTER 114
SHOPSTEALING**

§ 3511. Definition

A person who willfully takes possession of any goods, wares or merchandise offered for sale or on display in any retail store or other mercantile establishment with intent to permanently deprive the owner of the same, without the consent of the seller and without having paid the purchase price thereof, is guilty of shopstealing.

§ 3512. Right of detention

Any merchant, his agent or employee, who has reasonable grounds or probable cause to believe that a person has committed or is committing or is attempting to commit the crime of shopstealing by the wrongful taking of merchandise from a mercantile establishment, may detain such a person in a reasonable manner and for such a reasonable length of time as shall be necessary to summon a police officer, may conduct an investigation, including reasonable interrogation of the detained person, as to whether there has been a wrongful taking of merchandise, and shall inform a peace officer or other law enforcement official of the facts relevant to such detention.

§ 3513. Penalties

1. First offense. Any person committing the first offense of shopstealing when the value of the goods, wares or merchandise taken is less than \$100 shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$25 nor more than \$300, or by imprisonment for not less than 5 days nor more than 6 months, or by both.

2. Second offense. Upon commission of a 2nd offense when the value of the goods, wares or merchandise taken is less than \$100, the person committing same shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than \$50 nor more than \$500, or by imprisonment for not less than 30 days nor more than one year, or by both.

3. Third offense. Upon commission of a 3rd or any subsequent offense, regardless of the value of the goods, wares or merchandise taken, the person committing same shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment in the State Prison for a term of not less than one year nor more than 5 years.

4. Value. When the value of the goods, wares or merchandise taken shall be \$100 or more, any person who shall commit the offense of shopstealing, whether same shall be a first or subsequent offense, shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment in the State Prison for a term of not less than one nor more than 5 years.

STATEMENT OF FACT

Shopstealing has increased greatly over the past few years and the purpose of the bill is to define the crime.