

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1324

H. P. 963

House of Representatives, March 4, 1971

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Lee of Albion.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Relating to Definition of Theft by One Renting or Trusted with Property.

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

R. S., T. 17, § 2109, repealed and replaced. Section 2109 of Title 17 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 2109. Larceny by one trusted with property; conversion by insurance agents.

Any person who shall intentionally or fraudulently or by false pretense take, carry, lead, drive away, destroy, sell, secrete, convert or appropriate in any wrongful manner, personal property of another, including personal property leased, rented or entrusted to said person, or who causes or procures others to report falsely to his wealth or mercantile credit and thereby fraudulently obtains possession of personal property or the labor or service of another, is guilty of theft.

The amount involved in a theft shall be deemed to be the highest value by any reasonable standard of the property or services which the said person stole or attempted to steal.

It shall be prima facie evidence of intent to commit theft when one who has leased or rented the personal property of another fails to return or make arrangements acceptable with the lessor or return the personal property to its owner within 10 days after proper notice following the expiration of the lease or rental agreement, or presents identification to the lessor or rentor thereof which is false, fictitious or not current with respect to name, address, place of employment or other appropriate items.

Proper notice by the lessor shall consist of a written demand addressed and mailed by certified or registered mail to the lessee at the address given at the time of making the lease or rental agreement.

The following factors taken as a whole shall constitute an affirmative defense to prosecution for theft: That the lessee accurately stated his name and address at the time of rental, that the lessee's failure to return the item at the expiration date of the rental contract was lawful, that the lessee failed to receive the lessor's notice personally and that the lessee returned the personal property to the owner or lessor within 48 hours of the commencement of prosecution, together with any charges for the overdue period and the value of damages to the personal property, if any. Any insurance agent, or agent of any corporation doing business in the State, who fraudulently appropriates to his own use any money, or substitutes for money, received by him as such agent, or refuses or neglects to pay over and deliver the same to the party entitled to receive it, for 30 days after written demand upon him therefor, is guilty of larceny and shall be punished accordingly.

STATEMENT OF FACT

The purpose of this bill is to define theft when one fails to return rental equipment.