

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 279

H. P. 206

House of Representatives, January 18, 1973

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

E. LOUISE LINCOLN, Clerk

Presented by Mr. Farrington of China.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to Penalty for Burglary.

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

Sec. 1. R. S., T. 17, § 751, amended. The 2nd sentence of section 751 of Title 17 of the Revised Statutes is amended to read as follows:

Whether he is, before or after entering, armed with a dangerous weapon, or whether he assaults any person lawfully therein or has any confederate present aiding or abetting or not, in either case he shall be punished by imprisonment for any term of years **and in any event the punishment shall be not less than 6 months.** The imposition or execution of such sentence shall not be suspended and probation shall not be granted.

Sec. 2. R. S., T. 17, § 754, amended. Section 754 of Title 17 of the Revised Statutes is amended to read as follows:

§ 754. Breaking and entering with intent to commit felony or larceny

Whoever, with intent to commit a felony or any larceny, breaks and enters in the daytime or enters without breaking in the nighttime any dwelling house, or breaks and enters any office, bank, shop, store, warehouse, vessel, railroad car of any kind, motor vehicle, aircraft, house trailer, or building in which valuable things are kept, any person being lawfully therein and put in fear, shall be punished by imprisonment for not **less than 6 months** nor more than 10 years; but if no person was lawfully therein and put in fear, by imprisonment for not **less than 6 months** nor more than 5 years or by a fine of not more than \$500. **The imposition or execution of such sentence shall not be suspended and probation shall not be granted.**

STATEMENT OF FACT

The purpose of this bill is to provide for a mandatory 6 months minimum jail sentence for burglary which shall not be suspended.