

# MAINE STATE LEGISLATURE

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L.D. 2144  
(Filing No. S-531)

STATE OF MAINE  
SENATE  
108TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 697, L.D. 2144, Bill, "AN ACT to Revise the State Criminal Extradition and Criminal Code."

Amend the bill in section 3, in that part designated "§201." by striking out all of subsection 1 and inserting in its place the following:

'1. Application. "Application" means a request, by any person specified in section 223, to the Governor of this State to make a requisition to the executive authority of another state for the extradition of a fugitive from justice.'

Further amend the bill in section 3 in that part designated "§201." subsection 2, by striking out in the first line the following: "request" and inserting in its place the following: 'demand'

Further amend the bill in section 3 in that part designated "§201." by striking out all of subsection 4 and inserting in its place the following:

'4. Fugitive from justice. "Fugitive from justice" means:  
A. Any person accused of a crime in the demanding state who is not in that state, unless he is lawfully absent pursuant to the terms of his bail or other release. This definition shall include both a person who was present in the demanding state at the time of the commission of the alleged crime and thereafter left the demanding state

and a person who committed an act in this State or in a 3rd state or elsewhere resulting in or constituting a crime in the demanding state; or

B. Any person convicted of a crime in the demanding state who is not in that state, unless he is lawfully absent pursuant to the terms of his bail or other release, and who has escaped from confinement or has broken the terms of his bail, probation or parole.

Further amend the bill in section 4 in that part designated "§202." by striking out everything after the first 2 lines (first line in LD) and inserting in its place the following:

'Subject to the provisions ~~qualifications~~ of this chapter and ~~the provision~~ of the Constitution of the United States ~~controlling~~ and ~~acts~~ Acts of Congress in pursuance thereof, it is the duty of the Governor of this State to have arrested and delivered up to the executive authority of any other state of the United States any person charged in that state with treason, felony or other crime, who ~~has-fled-~~ is a fugitive from justice and is found in this State.'

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Further amend the bill in section 5 in that part designated "§203." subsection 1, paragraph B, by striking out in the first line (same in LD) the following: "found;" and inserting in its place the following: 'returned;'

Further amend the bill in section 5 in that part designated "§203." subsection 1, paragraph B, by striking out in the 6th line (5th line in LD) the following: "supports" and inserting in its place the following: 'support'

Further amend the bill in section 5 in that part designated "§203." subsection 2, first paragraph, by striking out in the last 2 lines (last line in LD) the following: "unless it is made in writing and contains the following:" and inserting in its place the following: 'unless made in writing and containing the following:'

Further amend the bill in section 5 in that part designated subsection 2, "§203." by striking out all of paragraph B and inserting in its place the following:

'B. A copy of the judgment of conviction or of the sentence imposed in execution thereof, which has been authenticated by the executive authority making the demand.'

Further amend the bill in section 10 in that part designated "§210-A." by striking out in the first paragraph, 6th line (5th line in LD) the following: ",as defined in section 201"

Further amend the bill in section 10 in that part designated "§210-A." 2nd paragraph, last 2 lines (last line in LD) the following: "as defined in section 201"

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Further amend the bill in section 13 in that part designated first paragraph, "§215." / by striking out in the 8th line (6th and 7th line in LD) the following: " as defined in section 201,"

Further amend the bill in section 18, in that part designated "§223." subsection 1, by striking out all of the first paragraph and inserting in its place the following:

'1. Person charged with crime. When it is required to return to this State a person charged with a crime in this State, the prosecuting attorney shall present to the Governor a written application for a requisition for the return of the person charged. The application shall state:'

Further amend the bill in section 18 in that part designated "§223." subsection 2, by striking out all of the first paragraph and inserting in its place the following:

'2. Person convicted of a crime. When it is required to return to this State a person who has been convicted of a crime in this State and who has escaped from confinement or broken the terms of his bail, probation or parole, the prosecuting attorney, the State Parole Board, the warden of the institution or the sheriff of the county from which the escape was made shall present to the Governor a written application for a requisition for the return of that person. The application shall state:'

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Further amend the bill by inserting after section 18 the following:

'Sec. 18-A. 17 MRSA §3853-B is enacted to read:

§3853-B. Trespass by animals

1. Prohibition. A person commits a civil violation if any animal, owned by him or subject to his control, enters on the property of another after the person had been previously warned by a law enforcement officer or a justice of the peace that an animal, owned by him or subject to his control, was found on the property of another. A person shall not be liable under this section if, at the time of the alleged trespass, he was licensed or privileged to allow the animal to be on the property.

2. Penalty. A forfeiture of not more than \$50 shall be adjudged for a violation of this section. The court may also order restitution for any damage caused by the animal.'

Further amend the bill in section 19 by striking out the first paragraph of subsection 1 and inserting in its place the following:

'1. Except as otherwise specifically provided, a law enforcement officer may arrest without a warrant:'

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Further amend the bill by inserting after section 25 the following:

'Sec. 25-A. 17-A MRSA §851, sub-§2, ¶B, as enacted by PL 1975, c. 499, §1, is repealed and the following enacted in its place:

Publicly soliciting patrons for prostitution.

B. Publicly soliciting patrons for prostitution shall include, but not be limited to, an offer, made in a public place, to engage in sexual intercourse or a sexual act, as defined in chapter 11, section 251, in return for a pecuniary benefit to be received by the person making the offer or a 3rd person; or'

Further amend the bill in section 27 in that part designated "§1203." by inserting at the end of subsection 1 the following new sentences:

'The period of probation shall commence on the date the person is released from his initial period of imprisonment, unless the court orders that it shall commence on an earlier date. If the period of probation is to commence upon release from the initial period of imprisonment, the court may nonetheless revoke probation for any criminal conduct committed during that initial period of imprisonment.'

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Further amend the Bill by inserting after section 33,  
the following:

'Sec. 34. 17-A MRSA §1352, sub-§1, as enacted by PL 1975,  
c. 740, §124, is amended to read:

1. The commission shall be composed of 7 9 members to be  
appointed by the Attorney General. The members shall be qualified  
by reason of their experience in the prosecution of defense of  
criminal cases or by reason of their knowledge of the criminal  
law. At least 2 members shall be qualified by reason of their  
knowledge of juvenile law.

Sec. 35. 17-A MRSA §1354, sub-§1, ¶¶ C and D, as enacted  
by PL 1975, c. 740, §124, are amended to read:

C. To examine the present laws pertaining to criminal  
pleadings and to consider possible changes, including, but  
not limited to, the adoption of code pleading and the  
preparation of pleading forms; and

D. To examine any other aspects of Maine's criminal law,  
including substantive, procedural and administrative matters,  
which the commission deems relevant; and

Sec. 36. 17-A MRSA §1354, sub-§1, ¶E is enacted to read:

E. To evaluate the operation of the Maine Juvenile Code,  
Title 15, Part 6, and to recommend amendments to that code  
based on that evaluation.'

Further amend the Bill by renumbering sections 34 and 35 to  
be sections 37 and 38.



Statement of Fact

This amendment corrects and clarifies the language of the bill and adds 3 new provisions:

1. A clarification of the offense of publicly soliciting patrons for prostitution to include the prostitute's public solicitation of clients;

2. A new provision establishing an offense for allowing animals to trespass; and

3. A provision to expand the Criminal Law Advisory Commission to include 2 new members with expertise in juvenile law and to expand the jurisdiction of the commission to include the <sup>Maine</sup> Juvenile Code.

Reported by the Committee on Judiciary.

Reproduced and distributed pursuant to Senate Rule 11-A.

March 10, 1978

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