

MAINE STATE LEGISLATURE

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L.D. 1360
(Filing No. H- 275)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
111TH LEGISLATURE
FIRST REGULAR SESSION

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COMMITTEE AMENDMENT "A" to H.P. 1035,
L.D. 1360, Bill, "AN ACT to Amend Various Provisions
of the Maine Criminal Code."

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Amend the bill in section 2 by striking every-
thing after the amending clause and inserting in its
place the following:

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'1-A. For purposes of subsection 1, paragraph B,
a person engages in conduct which manifests a
depraved indifference to the value of human life
when:

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A. Either he knows that there is a very high
degree of risk that his conduct will cause death
or serious bodily injury, or a reasonable and
prudent person in his situation would know of
that risk; and

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B. His conduct, when viewed in light of the
totality of the circumstances, reflects such an
indifference to the value of human life that it
would be generally regarded by mankind as
depraved.

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As used in paragraph B, "totality of the circum-
stances" means the nature and purpose of the actor's
conduct, the circumstances known to the actor and the
circumstances which would have been apparent to a
reasonable and prudent person in the actor's situa-
tion. "Depraved" means outrageous, revolting,
savage, brutal or shocking, readily demonstrating an
almost total lack of concern or appreciation for the
value of human life.'

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Further amend the bill by striking out all of

COMMITTEE AMENDMENT "A" to H.P. 1035, L.D. 1360

1 section 6 and inserting in its place the following:

2 'Sec. 6. 17-A MRSA §1206, sub-§6, as repealed
3 and replaced by PL 1977, c. 510, §73, is amended to
4 read:

5 6. If the alleged violation does not constitute
6 a crime and the court finds by a preponderance of the
7 evidence that the person has inexcusably failed to
8 comply with a requirement imposed as a condition of
9 probation, it may revoke probation. ~~In such case, the~~
10 ~~court shall impose the sentence that was suspended~~
11 ~~when probation was granted.~~

12 STATEMENT OF FACT

13 This amendment replaces section 2 of the bill to
14 correct its form, not to change its substance.

15 The statement of fact of the original bill
16 neglects to explain section 3. Section 3 adds lan-
17 guage to Title 17-A, section 452, subsection 2-A,
18 unintentionally omitted at the time of its enactment.
19 As modified, subsection 2-A becomes consistent with
20 subsection 3-A of Title 17-A, section 451, subsection
21 3-A, the latter a provision which serves the same
22 role relative to the crime of perjury as does subsec-
23 tion 2-A to the crime of false swearing.

24 The statement of fact of the original bill con-
25 fuses the purposes of sections 5, 6 and 7. Sections
26 5 and 7 correct an inconsistency created when Title
27 17-A, section 1155, was reallocated to Title 17-A,
28 section 1256. Section 6 eliminates the 2nd sentence
29 of Title 17-A, section 1206, subsection 6, as unnec-
30 essary in light of the first sentence of Title 17-A,
31 section 1206, subsection 7-A.

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