

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1172
6

7 S.P. 424

In Senate, March 29, 1985

8 Reference to the Committee on Judiciary suggested and ordered printed.

9 JOY J. O'BRIEN, Secretary of the Senate

10 Presented by Senator Shute of Waldo.

Cosponsored by Senator Clark of Cumberland, Representative
Drinkwater of Belfast and Representative Crowley of Stockton Springs.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT Concerning the Use of Motor Vehicles
18 in the Commission of Theft and Related
19 Crimes.
20

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

23 Sec. 1. 17-A MRSA §363 is enacted to read:

24 §363. Use of motor vehicle; loss of operators li-
25 cence

26 In any prosecution under this chapter, the court
27 shall determine whether a motor vehicle was used by
28 the defendant to facilitate the commission of the
29 crime. If the court finds that a motor vehicle was
30 so used and the defendant is convicted of the crime,
31 the court shall, at sentencing, suspend the defend-
32 ant's license or permit to operate, right to operate
33 a motor vehicle and right to apply for or obtain a
34 license for a period of one year. For purposes of
35 this section "motor vehicle" means any self-propelled

1 vehicle not operated exclusively on tracks and in-
2 cluding any motor driven cycle, snowmobile or
3 all-terrain vehicle.

4 Sec. 2. 17-A MRSA §1325-A is enacted to read:

5 §1325-A. Sale of motor vehicle used in theft crimes

6 The court, in ordering restitution for any crime
7 under chapter 15, may order any motor vehicle, as de-
8 defined in section 363, owned by an offender, which was
9 used to facilitate the commission of any crime under
10 chapter 15, sold for the purposes of providing funds
11 for that restitution. The proceeds of any such sale
12 shall also be used to pay the expenses of the sale
13 and to pay any bona fide holder of a security inter-
14 est in the motor vehicle.

15 STATEMENT OF FACT

16 The purposes of this bill are to:

17 1. Provide for the sale of a motor vehicle, in-
18 cluding a motor driven cycle, snowmobile or an
19 all-terrain vehicle used in the commission of a theft
20 crime in order to make restitution to the victim; and

21 2. Provide that any person convicted of a theft
22 crime committed with a motor vehicle shall lose their
23 operators license for one year.

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