

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

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COMMITTEE AMENDMENT "A" to H.P. 417, L.D. 582, Bill, "An Act to Amend the Law Regarding Shoplifters"

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Amend the bill by inserting at the beginning of the first line after the enacting clause (page 1, line 3 of L.D.) the following:

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'Sec. 1.'

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Further amend the bill by striking out that part designated "§3521." and inserting in its place the following:

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'§3521. Detention of shoplifters

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A store owner, manager or supervisor, or that person's designee, may detain on the premises in a reasonable manner and for a period of time not to exceed 1/2 hour any person he has as to whom there is probable cause to believe is unlawfully concealing merchandise. The purposes of such detention shall be: To require the person being detained to identify himself provide identification; to verify such the identification; to inform a law enforcement officer of the detention and to surrender such that person to said the officer; and when the detained person is a minor, to inform a law enforcement officer or the parents or guardian of said the minor of the detention and to surrender him the minor to the person so informed.

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~~Any--sheriff,--deputy--sheriff,--municipal--or--state--police officer,--if--he--has--probable--cause--to--believe--that--a--person--has unlawfully--concealed--merchandise,--may--arrest--such--person--without a--warrant,--whether--or--not--such--concealment--was--committed--in--his presence.'~~

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Further amend the bill by inserting before the statement of fact the following:

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'Sec. 2. 17-A MRSA §15. sub-§1, ¶A. as amended by PL 1987, c. 870, §11, is further amended to read:

COMMITTEE AMENDMENT "A" to H.P. 417, L.D. 582

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3 A. Any person who he has probable cause to believe has
committed or is committing:
- 5 (1) Murder;
- 7 (2) Any Class A, Class B or Class C crime;
- 9 (3) Assault while hunting;
- 11 (4) Any offense defined in chapter 45;
- 13 (5) Assault, if the officer reasonably believes that
15 the person may cause injury to others unless
immediately arrested;
- 17 (5-A) Assault, criminal threatening, terrorizing or
reckless conduct, if the officer reasonably believes
19 that the person and the victim are family or household
members, as defined in Title 15, section 321;
- 21 (6) Theft as defined in section 357, when the value of
23 the services is \$1,000 or less, if the officer
reasonably believes that the person will not be
25 apprehended unless immediately arrested;
- 27 (7) Forgery, if the officer reasonably believes that
the person will not be apprehended unless immediately
29 arrested;
- 31 (8) Negotiating a worthless instrument, if the officer
reasonably believes that the person will not be
33 apprehended unless immediately arrested;
- 35 (9) A violation of a condition of his probation when
requested by an official of the Division of Probation
37 and Parole; or
- 39 (10) Violation of a condition of release in violation
of Title 15, section 1026, subsection 3, section 1051,
41 subsection 2, section 1051, subsection 9 and section
1092; and or
- 43 (11) Theft involving a detention under Title 17,
45 section 3521; and'

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STATEMENT OF FACT

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5 This amendment moves the warrantless arrest provision in the
Maine Revised Statutes, Title 17, section 3521, dealing with the
7 detention of shoplifters to the Maine Criminal Code, Title 17-A,
section 15, which lists when warrantless arrests may be made by a
law enforcement officer.

Reported by the Committee on Judiciary.

Reproduced and distributed under the direction of the Clerk of the House.

4/19/89

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