

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 431

S.P. 176

In Senate, February 7, 1991

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

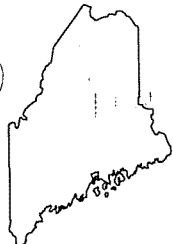
JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator ESTES of York
Cosponsored by Representative ADAMS of Portland, Senator CARPENTER of York and
Representative CARLETON of Wells.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act Regarding Harassment by Telephone.



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

2
4 17-A MRSA §506, sub-§1, as amended by PL 1981, c. 317, §20,
is further amended to read:

6 1. A person is guilty of harassment by telephone if that
8 person:

10 A. By means of telephone he makes any comment, request,
suggestion or proposal which that is, in fact, offensively
12 coarse or obscene, without the consent of the person called;

14 B. ~~He--makes~~ Makes a telephone call, whether or not
conversation ensues, without disclosing his that person's
16 identity and with intent to annoy, abuse, threaten or harass
any person at the called number;

18 C. ~~He--makes~~ Makes or causes the telephone of another
repeatedly or continuously to ring, with intent to harass
20 any person at the called number;

22 D. ~~He--makes~~ Makes repeated telephone calls, during which
conversation ensues, with the intent to harass any person at
24 the called number; or

26 E. ~~He--knowingly~~ Negligently permits any telephone under his
28 that person's control to be used for any purpose prohibited
by this section. Negligence is presumed if it is shown that
30 a person has been notified by appropriate authorities that a
32 phone under that person's control has been alleged to have
been used for any purpose prohibited by this section, and it
is proved that the phone was subsequently used for any
purpose prohibited by this section.

34
36 **STATEMENT OF FACT**

38 This bill reduces the state-of-mind requirement from
knowingly to negligently for the crime of permitting a phone
40 under a person's control to be used to make harassing calls. This
bill also creates a presumption of negligence when certain facts
42 are proved.