

MAINE STATE LEGISLATURE

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R. of S.

L.D. 546

(Filing No. H-158)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 427, L.D. 546, Bill, "An Act Relating to the Theft of Utility Services"

Amend the bill by striking out everything after the enacting clause and inserting in its place the following:

Sec. 1. 17-A MRSA §357, sub-§5 is enacted to read:

5. Proof that utility services have been improperly diverted or that devices belonging to the utility and installed for the delivery, regulation or measurement of utility services have been interfered with constitutes prima facie evidence that the person to whom the utility service is being delivered or diverted knowingly created or caused to be created the improper diversion or interference with the devices of the utility.

This inference does not apply unless the person to whom the utility service is being delivered has been furnished the service for at least 30 days.

Sec. 2. 17-A MRSA §357-A, as enacted by PL 1981, c. 668, §1, is repealed.

Sec. 3. 35-A, §2705, first ¶, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

Any A person who ~~commits any of the acts~~ obtains utility services as prohibited in Title 17-A, section 357-A 357, or who otherwise damages, destroys or tampers with property of a utility as provided in Title 17-A, section 805 or 806, is liable in a civil action to the utility owning the property affected. This liability ~~shall be~~ is for all damages suffered by the utility including:

COMMITTEE AMENDMENT

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STATEMENT OF FACT

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6 This amendment replaces the bill. It enacts into the
7 provision governing theft of services in general specific
8 language currently found in the provision defining a separate
9 crime of theft of utility services. The crime of theft of
10 services is currently worded broadly enough to encompass the
11 crime of theft of utility services, so the latter crime is
12 repealed by this amendment.

12

14 The new provision this amendment adds to the crime of theft
15 of services is based on the current language that aids in proving
16 the crime of theft of utility services. Current law provides
17 that proof that the service was improperly diverted or the
18 service device was tampered with creates an inference that the
19 person receiving the service knew the condition existed or
20 knowingly created it. To protect new subscribers to utility
21 service, the law currently provides that the inference applies
22 only if the diversion or tampered condition exists for one
23 billing cycle. The bill proposed slightly different wording to
24 cover people who divert their meters for periods shorter than an
25 entire billing cycle. This amendment attempts to cover those
26 same people by providing that the inference applies only to those
people to whom the utility service has been delivered for at
least 30 days.

Reported by the Committee on Judiciary
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