MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 547

S.P. 204

In Senate, February 14, 1995

An Act to Broaden the Crime of Criminal Mischief and to Repeal the Crime of Animal Enterprise Terrorism.

Reported by Senator MILLS of Somerset for the Criminal Law Advisory Commission pursuant to Maine Revised Statutes, Title 17-A, section 1354, subsection 2.

Reference to the Committee on Criminal Justice suggested and ordered printed pursuant to Joint Rule 20.

MAY M. ROSS

Secretary of the Senate

Be	it	enacted	by	the	Peor	ple	of	the	State	of	Maine	as	follows:

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- Sec. 1. 17-A MRSA §805, sub-§1, as enacted by PL 1975, c. 499, §1, is amended to read:
 - 1. A person is guilty of aggravated criminal mischief if he that person intentionally ex, knowingly or recklessly:
- A. Damages or destroys property of another in an amount exceeding \$1,000 in value, having no reasonable ground to believe that he <a href="https://example.com/theps:/
- B. Damages or destroys property in an amount exceeding \$1,000 in value, to enable any person to collect insurance proceeds for the loss caused; ex
- C. Damages, destroys or tampers with the property of a law enforcement agency, fire department or supplier of gas, electric, steam, water, transportation, sanitation or communication services to the public, having no reasonable ground to believe that he the person has a right to do so, and thereby causes a substantial interruption or impairment of service rendered to the public; or
- D. Damages, destroys or tampers with property of another and thereby recklessly endangers human life.
- Sec. 2. 17-A MRSA §807, as enacted by PL 1993, c. 83, §1, is repealed.

STATEMENT OF FACT

34 This bill does 2 things. First, it amends the Maine Revised Statutes, Title 17-A, section 805, which defines the crime of aggravated criminal mischief, to broaden the culpable mental 36 state element of that crime to include "recklessly." A similar change to Title 17-A, section 806, which defines the lesser crime 38 of criminal mischief, was made earlier by the Legislature in Second, this bill repeals Title 17-A, section 807, which 40 1991. created the crime of animal enterprise terrorism, a crime that reflects a specific instance of a combination of possible 42 antisocial acts that are addressed more comprehensively in Title under provisions governing the crimes of 44 criminal mischief and criminal mischief, and in the 46 provisions in Title 17-A, chapter 15, as well as in the mistreatment of animals provisions of Title 7 and Title 17. addition, Title 17-A, section 807, subsection 4, purporting to 48 provide restitution "up to 3 times the economic damage," is inconsistent with the restitution provision of Title 17-A, 50 chapter 54, and in conflict with the basic legislative philosophy 52 relating to restitution as a sentencing alternative.