

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 169

S.P. 59

In Senate, January 14, 1997

An Act Concerning Theft of Rental Property.

Reference to the Committee on Business and Economic Development 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 BUTLAND of Cumberland.
Cosponsored by Senators: BENOIT of Franklin, HARRIMAN of Cumberland, MITCHELL of Penobscot, Representatives: BUCK of Yarmouth, CARLETON of Wells, TAYLOR of Cumberland.

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

2 **Sec. 1. 17-A MRSA §360, sub-§1, ¶C**, as amended by PL 1975, c.
4 740, §56, is further amended to read:

6 C. Having custody of property pursuant to a rental or lease
8 agreement with the owner thereof whereby such property is to
10 be returned to the owner at a specified time and place, he
12 the person knowingly provides false identification or
14 information to the owner at the time of the rental or fails
16 to comply with the agreed terms concerning return of such
18 property without the consent of the owner, for so lengthy a
20 period beyond the specified time for return as to render his
the retention or possession or other failure to return a
gross deviation from the agreement. For purposes of this
paragraph, a gross deviation may be presumed when the person
fails to return the property within 10 days of receiving a
written demand from the owner, mailed by certified or
registered mail after the expiration of the rental period to
the most current address known to the owner.

22 **Sec. 2. 17-A MRSA §361, sub-§4** is enacted to read:

24 4. It is an affirmative defense to prosecution under
26 section 360, subsection 1, paragraph C that the defendant:

28 A. Provided accurate identification and information at the
time of the rental;

30 B. Failed to receive the owner's written demand, due in no
32 significant part to the defendant's own fault; and

34 C. Returned the property to the owner within 48 hours of
the commencement of prosecution, together with any charges
36 for the overdue period and any charges for property damage.

38 **SUMMARY**

40 This bill specifies that theft of rental property occurs
42 when a person knowingly provides false identification or
44 information to the owner of the property at the time of the
46 rental and that theft of rental property may be presumed when the
48 person fails to return the property within 10 days of receiving a
50 written demand, mailed after the expiration of the rental
period. This bill also provides an affirmative defense to theft
of rental property for persons who provide accurate information
at the time of the rental, fail to receive the owner's written
demand and return the property to the owner within 48 hours of
the commencement of prosecution.