

MAINE STATE LEGISLATURE

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DATE: *May 16, 1997*

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CRIMINAL JUSTICE

Reported by: *Minority*

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**STATE OF MAINE
SENATE
118TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to S.P. 148, L.D. 427, Bill, "An Act to Prohibit the Selling of Children"

Amend the bill by inserting after the enacting clause the following:

'Sec. 1. 17-A MRSA §554, sub-§1, ¶B, as amended by PL 1995, c. 263, §1, is further amended to read:

B. Knowingly sells, furnishes, gives away or offers to sell, furnish or give away to a child under 16 years of age any intoxicating liquor, cigarettes, tobacco, air rifles or ammunition for firearms; or'

Further amend the bill in section 3 by striking out all of paragraph D (page 1, line 19 in L.D.) and inserting in its place the following:

'D. Having the rights and duties of a parent with respect to the care and custody of a child, sells or attempts to sell the child for money or anything of value. This section does not prohibit any transaction authorized by Title 18-A, article IX or Title 19, chapter 21.'

Further amend the bill by inserting after section 4 the following:

'Sec. 5. Effective date. That section of this Act that amends the Maine Revised Statutes, Title 17-A, section 554, subsection 1, paragraph B-1 takes effect October 1, 1997.'

R d S.

COMMITTEE AMENDMENT "A" to S.P. 148, L.D. 427

2 Further amend the bill by inserting at the end before the
summary the following:

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FISCAL NOTE

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8 This bill may increase prosecutions for Class D crimes. If
a jail sentence is imposed, the additional costs to the counties
are estimated to be \$83.78 per day per prisoner. These costs are
10 not reimbursed by the State. The number of prosecutions that may
result in a jail sentence and the resulting costs to the county
12 jail system are expected to be insignificant.

14 The additional workload, administrative costs and indigent
defense costs associated with the minimal number of new cases
16 filed in the court system can be absorbed within the budgeted
resources of the Judicial Department. The collection of
18 additional fines may also increase General Fund revenue by minor
amounts.'

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SUMMARY

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This amendment is the minority report of the Joint Standing
Committee on Criminal Justice. It specifies that a person must
26 have parental rights and duties with respect to a child in order
to be guilty of selling that child. It also specifies that to be
28 guilty of selling a child a sale must be made for the purpose of
receiving money or anything of value and exempts any transaction
30 made pursuant to a legally authorized adoption. This amendment
also makes technical corrections to accommodate varying effective
32 dates already in the law.

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The amendment also adds a fiscal note to the bill.