

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 1021

H.P. 731

House of Representatives, February 9, 1999

**An Act to Allow a Movie Rental Company Restitution if a Person Fails to Return a Movie.**

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Reference to the Committee on Criminal Justice suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative CLARK of Millinocket.  
Cosponsored by Senator MICHAUD of Penobscot and  
Representatives: JOY of Crystal, KASPRZAK of Newport, McDONOUGH of Portland,  
McGLOCKLIN of Embden, O'NEAL of Limestone, STANLEY of Medway, TRACY of  
Rome, WHEELER of Bridgewater.

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

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**Sec. 1. 17-A MRSA §360, sub-§1, ¶C, as amended by PL 1997, c. 319, §1, is further amended to read:**

C. Having custody of property pursuant to a rental or lease agreement with the owner thereof whereby such property is to be returned to the owner at a specified time and place, the person knowingly fails to comply with the agreed terms concerning return of such property without the consent of the owner, for so lengthy a period beyond the specified time for return as to render 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 5 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. If the unreturned property is a movie or video rental of any form, a person convicted of a violation of this paragraph shall pay restitution equal to the amount of revenue lost by the owner due to the uncompensated absence of the property plus any expenses incurred in obtaining the return of the property.

**SUMMARY**

Current law makes the failure to return rented property, by the time specified in the lease or rental agreement, theft if the person renting the property fails to return the property within 5 days after written demand by the owner. This bill requires a person convicted of a violation of this law, when the property is a movie or video rental, to pay restitution to the owner in the amount equal to the revenue lost by the owner due to the absence of the property for rental purposes plus expenses.