

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 2070

H.P. 1449

House of Representatives, March 30, 1999

**An Act to Protect Library Materials in Circulation and to Designate
Secure Archival Repositories.**

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative DUNLAP of Old Town.
Cosponsored by Senator DAVIS of Piscataquis and
Representatives: CAMERON of Rumford, CHIZMAR of Lisbon, ETNIER of Harpswell,
MARTIN of Eagle Lake, MUSE of South Portland, QUINT of Portland, Senators:
CATHCART of Penobscot, KIEFFER of Aroostook.

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

2
3 Sec. 1. 17-A MRSA §360, sub-§1, ¶C, as amended by PL 1997, c.
4 319, §1, is further amended to read:

6 C. Having custody of property pursuant to a rental or lease
7 agreement with the owner thereof or a borrower's agreement
8 with a library or museum whereby such property is to be
9 returned to the owner at a specified time and place, the
10 person knowingly fails to comply with the agreed terms
11 concerning return of such property without the consent of
12 the owner, for so lengthy a period beyond the specified time
13 for return as to render the retention or possession or other
14 failure to return a gross deviation from the agreement. For
15 purposes of this paragraph, a gross deviation may be
16 presumed when the person fails to return the property within
17 5 days of receiving a written demand from the owner, mailed
18 by certified or registered mail or delivered by hand after
19 the expiration of the rental period to the most current
20 address known to the owner.

22 Sec. 2. 17-A MRSA §808 is enacted to read:

24 **§808. Theft or destruction of institutional property**

26 1. A person is guilty of theft or destruction of
27 institutional property if that person takes, uses or exercises
28 control over property or defaces or destroys property owned or in
29 the care of a library, school, college, university, museum,
30 church or public institution knowing that that person does not
31 have the consent of the owner.

32 2. Theft or destruction of institutional property is a
33 Class E crime if the value of the property is less than \$500. If
34 the value of the property is equal to or greater than \$500 or if
35 the property can not be replaced, theft or destruction of
36 institutional property is a Class C crime.

37 3. As an alternative to criminal prosecution, theft or
38 destruction of institutional property may be pursued as a civil
39 violation for which a penalty of at least \$2,000 but not more
40 than \$10,000 may be adjudged. The court shall order restitution
41 based upon evidence presented by the prosecutor or owner of the
42 material.

46
47
48 **SUMMARY**

49 This bill protects library and museum materials possessed by
50 a person pursuant to a borrower's agreement by clarifying that

2 unlawful retention of these materials is theft. It also provides
3 protection for property owned or in the care of a library,
4 school, college, university, museum, church or public institution.