

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2000

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Legislative Document

No. 2421

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H.P. 1715

House of Representatives, January 10, 2000

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### **An Act to Combat Domestic Violence.**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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 MURPHY of Kennebunk.  
Cosponsored by Senator LIBBY of York and  
Representatives: CARR of Lincoln, McALEVEY of Waterboro, SAXL of Portland, TOBIN  
of Dexter, WHEELER of Bridgewater, WHEELER of Eliot, Senators: KONTOS of  
Cumberland, PENDLETON of Cumberland.

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

**Sec. 1. 17-A MRSA §15, sub-§1, ¶A,** as repealed and replaced by PL 1999, c. 127, Pt. A, §33, is amended to read:

A. Any person who the officer has probable cause to believe has committed or is committing:

(1) Murder;

(2) Any Class A, Class B or Class C crime;

(3) Assault while hunting;

(4) Any offense defined in chapter 45;

(5) Assault, criminal threatening, terrorizing or stalking, if the officer reasonably believes that the person may cause injury to others unless immediately arrested;

(5-A) Assault or reckless conduct if the officer reasonably believes that the person and the victim are family or household members, as defined in Title 15, section 321;

(6) Theft as defined in section 357, when the value of the services is \$2,000 or less if the officer reasonably believes that the person will not be apprehended unless immediately arrested;

(7) Forgery, if the officer reasonably believes that the person will not be apprehended unless immediately arrested;

(8) Negotiating a worthless instrument if the officer reasonably believes that the person will not be apprehended unless immediately arrested;

(9) A violation of a condition of probation when requested by a probation officer or juvenile caseworker;

(10) Violation of a condition of release in violation of Title 15, section 1026, subsection 3; Title 15, section 1027, subsection 3; Title 15, section 1051, subsection 2; and Title 15, section 1092;

(11) Theft involving a detention under Title 17, section 3521;

- 2 (12) Harassment, as set forth in section 506-A;
- 4 (13) Violation of a protection order, as specified in  
6 Title 5, section 4659, subsection 2; Title 15, section  
8 321, subsection 6; former Title 19, section 769,  
10 subsection 2; former Title 19, section 770, subsection  
12 5; Title 19-A, section 4011, subsection 3; and Title  
14 19-A, section 4012, subsection 5; ~~or~~
- 16 (14) A violation of a sex offender registration  
18 provision under Title 34-A, chapter 11 or 13; and or
- 20 (15) Domestic destruction, as set forth in section  
22 558; and

24 **Sec. 2. 17-A MRSA §558 is enacted to read:**

26 **§558. Domestic destruction**

28 1. A person is guilty of domestic destruction if that  
30 person intentionally, knowingly or recklessly damages or destroys  
32 property in a dwelling place while a family or household member,  
34 as that term is defined in Title 15, section 321, subsection 1,  
36 is present in that dwelling place. It is not a defense to a  
38 prosecution under this subsection that the damaged or destroyed  
40 property belongs to the defendant.

42 2. Domestic destruction is a Class E crime except that if a  
family or household member present as described in subsection 1  
has not attained 16 years of age it is a Class D crime.

34 **SUMMARY**

36 This bill establishes the crime of domestic destruction. A  
38 person is guilty of domestic destruction if that person  
40 intentionally, knowingly or recklessly damages or destroys  
42 property in a dwelling place while a family or household member  
is present in that dwelling place. Domestic destruction is a  
Class E crime except that if a family or household member present  
has not attained 16 years of age it is a Class D crime.