

MAINE STATE LEGISLATURE

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L.D. 51

DATE: 3/14/01

(Filing No. H- 29)

LEGAL AND VETERANS AFFAIRS

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 42, L.D. 51, Bill, "An Act to Increase the Penalty for Furnishing Liquor to a Minor if Injury or Death Results"

Amend the bill in section 2 by striking out all of subsection 5 (page 1, lines 25 to 30 in L.D.) and inserting in its place the following:

'5. Aggravated offense. A person who violates subsection 1, paragraph A or B commits a Class C crime if the consumption of the liquor by the minor in fact causes serious bodily injury to or death of any individual, including the minor. For purposes of this subsection, "serious bodily injury" has the same meaning as set out in Title 17-A, section 2, subsection 23.'

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

·FISCAL NOTE

This bill increases the penalty for certain crimes from Class D to Class C crimes, resulting in a shift of costs from the counties to the State. Sentences of more than 9 months for Class C crimes must be served in state correctional institutions at the cost of \$71,306 per sentence based on an average length of stay of 2 years and 5 months. Sentences of 9 months or less for a Class C crime and all sentences for a Class D crime must be served in county jails.

COMMITTEE AMENDMENT

2018

COMMITTEE AMENDMENT "A" to H.P. 42, L.D. 51

2 The Judicial Department may require additional General Fund
3 appropriations to cover indigent defense costs related to these
4 new cases. The amounts can not be estimated at this time. The
5 additional workload and administrative costs associated with the
6 minimal number of new cases filed in the court system can be
7 absorbed within the budgeted resources of the Judicial
8 Department. The collection of additional fines may also increase
9 General Fund revenue by minor amounts.'

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SUMMARY

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15 This amendment clarifies the original bill by specifying
16 that a person would be guilty of this crime if the act of
17 furnishing alcohol to a minor results in serious bodily injury or
18 death. It also changes the standard of proof necessary to find
19 the person guilty of this crime from "proximately" causing to "in
20 fact" causing the injury or death. The amendment also corrects a
cross-reference and adds a fiscal note.