

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1434

H.P. 1071

House of Representatives, March 5, 2001

An Act to Amend the Maine Criminal Code to Reduce the Incentive to Commit Theft.

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

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative MURPHY of Kennebunk.
Cosponsored by Representatives: BUCK of Yarmouth, GOOLEY of Farmington, MADORE of Augusta, MURPHY of Berwick, ROSEN of Bucksport, SNOWE-MELLO of Poland,
Senators: LEMONT of York, SAWYER of Penobscot.

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

2
4 **Sec. 1. 17-A MRSA §15, sub-§1, ¶A**, as amended by PL 1999, c.
644, §1, is further amended to read:

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

10 (1) Murder;

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

14 (3) Assault while hunting;

16 (4) Any offense defined in chapter 45;

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

22 (5-A) Assault, criminal threatening, terrorizing,
24 stalking, criminal mischief, obstructing the report of
a crime or injury or reckless conduct if the officer
reasonably believes that the person and the victim are
26 family or household members, as defined in Title 15,
section 321;

28 (6) Theft as defined in section 357, when the value of
30 the services is \$2,000 \$500 or less if the officer
reasonably believes that the person will not be
32 apprehended unless immediately arrested;

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

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

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

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

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

4 (12) Harassment, as set forth in section 506-A;

6 (13) Violation of a protection order, as specified in
Title 5, section 4659, subsection 2; Title 15, section
8 321, subsection 6; former Title 19, section 769,
subsection 2; former Title 19, section 770, subsection
10 5; Title 19-A, section 4011, subsection 3; and Title
19-A, section 4012, subsection 5; or

12 (14) A violation of a sex offender registration
14 provision under Title 34-A, chapter 11 or 13; and

16 **Sec. 2. 17-A MRSA §352, sub-§5, ¶D**, as amended by PL 1995, c.
224, §2, is further amended to read:

18 D. If the value of property or services cannot be
20 ascertained beyond a reasonable doubt pursuant to the
standards set forth above in this subsection, the trier of
22 fact may find the value to be not less than a certain
amount, and if no such minimum value can be thus
24 ascertained, the value is deemed to be an amount less than
\$1,000 \$500.

26 **Sec. 3. 17-A MRSA §362, sub-§2, ¶A**, as amended by PL 1995, c.
224, §3, is further amended to read:

30 A. The value of the property or services exceeds \$10,000
\$5,000;

32 **Sec. 4. 17-A MRSA §362, sub-§3, ¶A**, as amended by PL 1995, c.
34 224, §4, is further amended to read:

36 A. The value of the property or services is more than
\$2,000 \$500 but not more than \$10,000 \$5,000; or

38 **Sec. 5. 17-A MRSA §362, sub-§4, ¶B**, as amended by PL 1995, c.
40 224, §5, is further amended to read:

42 B. The value of the property or services exceeds \$1,000
\$250 but does not exceed \$2,000 \$500.

44 **Sec. 6. 17-A MRSA §362, sub-§5**, as amended by PL 1995, c. 224,
46 §5, is further amended to read:

48 5. Theft is a Class E crime if the value of the property or
services does not exceed \$1,000 \$250.

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2 **Sec. 7. 17-A MRSA §703, sub-§2, ¶¶A and B**, as amended by PL
1995, c. 224, §6, are further amended to read:

4 A. A Class B crime if the face value of the written
instrument or the aggregate value of instruments exceeds
6 \$10,000 \$5,000;

8 B. A Class C crime if:

10 (1) The face value of the written instrument or the
aggregate value of instruments exceeds \$2,000 \$500 but
12 does not exceed \$10,000 \$5,000; or

14 (2) The actor has 2 prior convictions for any
combination of theft, violation or attempted violation
16 of this section, violation or attempted violation of
section 702 or 708 or any violation or attempted
18 violation of section 401 if the intended crime within
the structure is theft, or any violation or attempted
20 violation of section 651. Determination of whether a
conviction constitutes a prior conviction for purposes
22 of this subsection is pursuant to section 362,
subsection 3-A; or

24 **Sec. 8. 17-A MRSA §708, sub-§4, ¶¶A to D**, as amended by PL
1995, c. 224, §7, are further amended to read:

28 A. A Class B crime, if the face value of the negotiable
instrument exceeds \$10,000 \$5,000;

30 B. A Class C crime, if:

32 (1) The face value of the negotiable instrument
34 exceeds \$2,000 \$500 but does not exceed \$10,000 \$5,000;
or

36 (2) The actor has 2 prior convictions for any
38 combination of theft, a violation of section 702, 703
or this section, a violation of section 401 in which
40 the crime intended to be committed inside the structure
is theft, a violation of section 651 or attempts at
42 these violations. Determination of whether a
conviction constitutes a prior conviction for purposes
44 of this subsection is pursuant to section 362,
subsection 3-A;

46 C. A Class D crime, if the face value of the negotiable
48 instrument exceeds \$1,000 \$250 but does not exceed \$2,000
\$500; or

50

2 D. A Class E crime, if the face value of the negotiable
instrument does not exceed \$1,000 \$250.

4 **Sec. 9. 17-A MRSA §805, sub-§1, ¶¶A and B,** as repealed and
replaced by PL 1995, c. 625, Pt. A, §20, are amended to read:

6
8 A. Damages or destroys property of another in an amount
exceeding \$2,000 \$500 in value, having no reasonable ground
to believe that the person has a right to do so;

10
12 B. Damages or destroys property in an amount exceeding
\$2,000 \$500 in value, to enable any person to collect
insurance proceeds for the loss caused;

14
16 **SUMMARY**

18 This bill lowers the monetary threshold for the
20 classification of theft crimes. This bill brings the monetary
threshold in line with those of other New England states. This
22 bill also treats theft and burglary thresholds in a more equal
manner.