

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1515, L.D. 2019, Bill, "An Act to Protect Victims of Domestic Violence, Sexual Assault and Stalking"

Amend the bill in section 1 in that part designated "§90-B" in subsection 2 by striking out all of paragraph E (page 2, lines 40 to 47 in L.D.) and inserting in its place the following:

'E. A person who violates this paragraph commits a Class E crime.

(1) An applicant may not file an application knowing that it:

(i) Contains false or incorrect information; or

(ii) Falsely claims that disclosure of the applicant's address or mailing address threatens the safety of the applicant or the applicant's children or the minor or incapacitated person on whose behalf the application is made.

(2) An application assistant may not assist or participate in the filing of an application that the application assistant knows:

(i) Contains false or incorrect information; or

(ii) Falsely claims that disclosure of the applicant's address or mailing address threatens the safety of the applicant or the applicant's children or the minor or incapacitated person on whose behalf the application is made.'

Further amend the bill in section 1 in that part designated
2 "§90-B" in subsection 3 by striking out all of paragraph C (page
3, lines 12 and 13 in L.D.) and inserting in its place the
4 following:

6 'C. The applicant or program participant violates
7 subsection 2, paragraph E, subparagraph (1).'

8
Further amend the bill in section 1 in that part designated
10 "§90-B" in subsection 6 by striking out all of paragraph B (page
4, lines 8 to 14 in L.D.) and inserting in its place the
12 following:

14 'B. If the certification has been canceled because the
15 applicant or program participant violated subsection 2,
16 paragraph E, subparagraph (1).'

18 Further amend the bill by inserting at the end before the
summary the following:
20

22 FISCAL NOTE

24 The Department of the Secretary of State will incur some
minor additional costs to administer the Address Confidentiality
26 Program and to adopt certain rules for the program. These costs
can be absorbed within the department's existing budgeted
28 resources.

30 This bill may increase prosecutions for Class E crimes. If
a jail sentence is imposed, the additional costs to the counties
32 are estimated to be \$83.36 per day per prisoner. The number of
prosecutions that may result in a jail sentence and the resulting
34 costs to the county jail system are expected to be insignificant.

36 The additional workload and administrative costs associated
with the minimal number of new cases filed in the court system
38 can be absorbed within the budgeted resources of the Judicial
Department. The collection of additional fines may increase
40 General Fund revenue by minor amounts.'

42 SUMMARY

44 This amendment revises language in the proposed Address
Confidentiality Program concerning filing applications containing
46 false or incorrect information or falsely claiming the need for
participation in the program.
48

2 This amendment defines as a Class E crime the conduct of an
applicant for participation in the program who submits an
4 application that contains false or incorrect information or
falsely claims that disclosure of the applicant's address or
6 mailing address threatens the safety of the applicant or the
applicant's children or the minor or incapacitated person on
8 whose behalf the application is made when the applicant knows the
information is false or incorrect or knows that the claim
10 supporting nondisclosure is false. The Secretary of State may
cancel the applicant's certification for participation in the
12 program if the applicant submits such an application. It is also
a Class E crime for an application assistant to assist or
14 participate in the filing of such an application when the
application assistant knows that the information is false or
16 incorrect or knows that the claim supporting nondisclosure is
false.

18 Consistent with this change, the language delineating the
situations in which the certification of participation may be
20 canceled is amended to cross-reference cancellations based on the
filing of a false or incorrect application or an application
22 containing a false claim supporting nondisclosure when the
applicant knew the information was false or incorrect or knew the
24 claim was false.

26 The Secretary of State may make the participant's address
and mailing address available for inspection or copying if the
28 certification has been canceled because the applicant filed a
false or incorrect application or an application containing a
30 false claim supporting nondisclosure when the applicant knew the
information was false or incorrect or knew the claim was false.
32

The amendment also adds a fiscal note to the bill.