

MAINE STATE LEGISLATURE

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R.O.S.

L.D. 1789

DATE: 3-21-06

(Filing No. S-504)

CRIMINAL JUSTICE AND PUBLIC SAFETY

Reported by: Majority

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STATE OF MAINE
SENATE
122ND LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 706, L.D. 1789, Bill, "An Act To Deter Environmental Terrorism in the State"

Amend the bill by striking out the title and substituting the following:

'An Act To Amend the Crime of Aggravated Criminal Mischief'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 17-A MRSA §805, sub-§1, as amended by PL 1997, c. 482, §§1 to 3, is further amended to read:

1. A person is guilty of aggravated criminal mischief if that person intentionally, knowingly or recklessly:

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

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

C. Damages Intentionally, knowingly or recklessly damages, destroys or tampers with the property of a law enforcement agency, fire department or supplier of gas, electric, steam,

COMMITTEE AMENDMENT

R.O.S.

COMMITTEE AMENDMENT "A" to S.P. 706, L.D. 1789

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water, transportation, sanitation or communication services to the public, having no reasonable ground to believe that the person has a right to do so, and thereby causes a substantial interruption or impairment of service rendered to the public;

D. Damages Intentionally, knowingly or recklessly damages, destroys or tampers with property of another and thereby recklessly endangers human life; e

E. Damages Intentionally, knowingly or recklessly damages or destroys property of another by fire, having no reasonable ground to believe that the person has a right to do so, and the property damaged or destroyed is neither a dwelling place as defined in section 2, subsection 10 nor a structure as defined in section 2, subsection 24.; or

F. Intentionally damages, destroys or tampers with the property of another, having no reasonable ground to believe that the person has a right to do so, for the purpose of causing substantial harm to the health, safety, business, calling, career, financial condition, reputation or personal relationships of the person with the property interest or any other person.'

SUMMARY

The amendment is the majority report of the Joint Standing Committee on Criminal Justice and Public Safety and adds to the Class C crime of aggravated criminal mischief a new form. To satisfy this new form the State must prove beyond a reasonable doubt both that the actor intentionally damaged, destroyed or tampered with the property of another, having no reasonable ground to believe that the person had a right to do so, and that at the time of the actor's actions the actor's motive was to cause substantial harm to the health, safety, business, calling, career, financial condition, reputation or personal relationships of the person with the property interest or any other person. This list of harmful motives is modeled after the crime of theft by extortion in the Maine Revised Statutes, Title 17-A, section 355.

FISCAL NOTE REQUIRED
(See attached)



122nd MAINE LEGISLATURE

LD 1789

LR 2935(02)

An Act To Deter Environmental Terrorism in the State

Fiscal Note for Bill as Amended by Committee Amendment "A"
Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Majority Report

Fiscal Note

Current biennium cost increase - General Fund

Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

- Establishes a new Class C crime; increases correctional and judicial costs.
The collection of additional fines may also increase General Fund revenue by minor amounts