

MAINE STATE LEGISLATURE

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1
2 Date: 04-23-07

(Filing No. S- 54)

3 **CRIMINAL JUSTICE AND PUBLIC SAFETY**

4 Reproduced and distributed under the direction of the Secretary of the Senate.

5 **STATE OF MAINE**

6 **SENATE**

7 **123RD LEGISLATURE**

8 **FIRST REGULAR SESSION**

Reported by: Majority

9 COMMITTEE AMENDMENT "A" to S.P. 83, L.D. 246, Bill, "An Act To Protect
10 the Solemnity and Dignity of a Funeral or Memorial Service in Maine"

11 Amend the bill by striking out everything after the title and before the summary and
12 inserting the following:

13 **'Emergency preamble. Whereas,** acts and resolves of the Legislature do not
14 become effective until 90 days after adjournment unless enacted as emergencies; and

15 **Whereas,** the Legislature recognizes that the State has an immediate interest in
16 balancing the rights of the bereaved to mourn peacefully at funerals with others' rights to
17 free expression; and

18 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
19 the meaning of the Constitution of Maine and require the following legislation as
20 immediately necessary for the preservation of the public peace, health and safety; now,
21 therefore,

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

23 **Sec. 1.** 17-A MRSA §16, sub-§2, ¶A, as amended by PL 1979, c. 127, §125, is
24 further amended to read:

25 A. Any of the Class D or Class E crimes described in sections 207; 209; 211; 254;
26 255; 501, subsection 2; 503; 501-A, subsection 1, paragraph B; 751; 806; or 1002.

27 **Sec. 2.** 17-A MRSA §501, as amended by PL 1995, c. 258, §1, is repealed.

28 **Sec. 3.** 17-A MRSA §501-A is enacted to read:

29 **§501-A. Disorderly conduct**

30 **1.** A person is guilty of disorderly conduct if:

31 A. In a public place, the person intentionally or recklessly causes annoyance to
32 others by intentionally:

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to S.P. 83, L.D. 246

1 amendment uses current law to identify funeral attendees as a special class when making
2 a disorderly conduct analysis. The amendment specifies that in a private or public place
3 on or near property where a funeral, burial or memorial service is being held, a person is
4 guilty of disorderly conduct if the person knowingly accosts, insults, taunts or challenges
5 any person in mourning and in attendance at the funeral, burial or memorial service with
6 unwanted, obtrusive communications by way of offensive, derisive or annoying words, or
7 by gestures or other physical conduct, that would in fact have a direct tendency to cause a
8 violent response by an ordinary person in mourning and in attendance at a funeral, burial
9 or memorial service.

10
11

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



123rd MAINE LEGISLATURE

LD 246

LR 8(02)

An Act To Protect the Solemnity and Dignity of a Funeral or Memorial Service in Maine

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

Expands a current Class E crime.

The collection of additional fines may also increase General Fund revenue by minor amounts.