

MAINE STATE LEGISLATURE

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2 Date: 4-17-08

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4 STATE OF MAINE

5 SENATE

6 123RD LEGISLATURE

7 FIRST SPECIAL SESSION

8 SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "B" to S.P. 681,
9 L.D. 1873, Bill, "An Act To Amend the Laws Governing Stalking"

10 Amend the amendment by striking out all of the first 6 indented paragraphs (page 1,
11 lines 11 to 28 in amendment) and inserting the following:

12 'Amend the bill in section 1 in §210-A in subsection 1 by striking out all of
13 paragraph C (page 1, lines 22 to 39 and page 2, lines 1 to 13 in L.D.) and inserting the
14 following:

15 'C. The actor violates paragraph A and has 2 or more prior convictions in this State
16 or another jurisdiction.

17 Violation of this paragraph is a Class C crime. ~~The court shall impose a sentencing~~
18 ~~alternative involving a term of imprisonment of at least 6 months, of which 14 days~~
19 ~~may not be suspended, and may order the person to attend an abuser education~~
20 ~~program approved by the court.~~

21 For the purposes of this paragraph, "prior conviction" means a conviction for a
22 violation of this section; Title 5, section 4659; Title 15, section 321; former Title 19,
23 section 769; Title 19-A, section 4011; Title 22, section 4036; any other temporary,
24 emergency, interim or final protective order; an order of a tribal court of the
25 Passamaquoddy Tribe or the Penobscot Nation; any similar order issued by any court
26 of the United States or of any other state, territory, commonwealth or tribe; or a
27 court-approved consent agreement. Section 9-A governs the use of prior convictions
28 when determining a sentence.' '

29 Amend the amendment on page 2 by striking out all of the 2nd indented paragraph
30 (page 2, line 3 in amendment)

31 Amend the amendment by striking out all of section 4.

32 SUMMARY

33 This amendment clarifies that a person is guilty of stalking if that person violates the
34 Maine Revised Statutes, Title 17-A, section 210-A, subsection 1, paragraph A and has 2

SENATE AMENDMENT

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "B" to S.P. 681, L.D. 1873

1 or more prior convictions in this State or another jurisdiction. The amendment removes
2 the provision that requires the imposition of a sentencing alternative. The amendment
3 also adds convictions for a violation of Title 22, section 4036 to the definition of "prior
4 conviction." The amendment also strikes the appropriations and allocations section.

5 SPONSORED BY: 

6 (Senator ROTUNDO)

7 COUNTY: Androscoggin

FISCAL NOTE REQUIRED
(See attached)

**123rd MAINE LEGISLATURE****LD 1873****LR 1001(06)****An Act To Amend the Laws Governing Stalking****Fiscal Note for Senate Amendment "A" to Committee Amendment "B"****Sponsor: Sen. Rotundo of Androscoggin****Fiscal Note Required: Yes**

Fiscal Note

	2007-08	2008-09	Projections 2009-10	Projections 2010-11
Net Cost (Savings)				
General Fund	\$0	(\$37,945)	(\$70,517)	(\$72,799)
Appropriations/Allocations				
General Fund	\$0	(\$37,945)	(\$70,517)	(\$72,799)

Fiscal Detail and Notes

This amendment removes the cost of the bill and strikes the appropriation to the Department of Corrections of \$37,945 in fiscal year 2008-09 for incarceration costs.