

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

SMY
ROFS

MINORITY

L.D. 1305

Date: 6/7/2013

(Filing No. S-240)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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

STATE OF MAINE

SENATE

126TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 448, L.D. 1305, Bill, "An Act To Discourage Tenants from Damaging Rental Property"

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

'An Act To Allow the Value of the Loss of Rental Income as a Result of Damage Caused by a Tenant To Be Used To Establish the Crime of Aggravated Criminal Mischief'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 17-A MRSA §805, sub-§1-B, as amended by PL 1977, c. 510, §67, is further amended to read:

1-B. As used in this section, "~~value~~", "value," if the property is destroyed, ~~shall~~ must be determined pursuant to section 352, subsection 5. If the property is damaged, "~~value~~" ~~shall~~ must be determined by the cost of repair unless that determination exceeds the determination of the value of the property had it been destroyed, in which case the property ~~shall be~~ is deemed destroyed for purposes of this subsection. If the property damaged or destroyed is rental property, "value" includes the value of lost rental income on that rental property by the owner of that property while the property is being repaired and cannot reasonably be rented to another tenant. Amounts of value involved in mischiefs may be aggregated in the same manner as provided in section 352, subsection 5, paragraph E. Prosecution for an aggregated aggravated criminal mischief may be brought in any venue in which one of the criminal mischiefs ~~which have~~ that has been aggregated was committed.'

SUMMARY

This amendment replaces the bill and is the minority report. It provides that the value of the loss of rental income because of damage caused by the tenant may be used to establish the Class C crime of aggravated mischief.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



126th MAINE LEGISLATURE

LD 1305

LR 1107(02)

An Act To Discourage Tenants from Damaging Rental Property

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-240)
Committee: Criminal Justice and Public Safety
Fiscal Note Required: Yes

Fiscal Note

Current biennium cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

Increases the class of a crime from Class D to Class C.
The collection of additional fines may also increase General Fund revenue by minor amounts.