

NOES	MINORITY	
F		L.D. 1071
2	Date: 5/15/15	(Filing No. S- 100)
3	CRIMINAL JUSTICE AN	ID PUBLIC SAFETY
4	Reproduced and distributed under the direction of the Secretary of the Senate.	
5	STATE OF MAINE	
6	SENATE	
7	127TH LEGISLATURE	
8	FIRST REGULAR SESSION	
9 10	COMMITTEE AMENDMENT "A" to Increase the Penalties for Vandalizing a Cemeter	S.P. 374, L.D. 1071, Bill, "An Act To ry"
11	Amend the bill by striking out the title and substituting the following:	
12	'An Act To Address Vandalism of a Cemetery'	
13 14	Amend the bill by inserting after the enacting clause and before section 1 the following:	
15	'Sec. 1. 13 MRSA §1101, sub-§3 is enacted to read:	
16 17 18 19	3. Cemeteries. A municipality shall repair and restore tombs, monuments, gravestones, markers and any fences, railings, curbs or other enclosures that have been damaged and for which repair and restoration have not been provided by a person or organization.'	
20 21 22	Amend the bill in section 2 in subsection 1 line 16 in L.D.) by striking out the following: "y crime; or'	
23 24 25	Amend the bill in section 2 in subsection 1 in 24 in L.D.) by striking out the following: " <u>C crime.</u> '	
26 27	Amend the bill in section 2 in subsection 1 b lines 25 to 32 in L.D.)	by striking out all of paragraph C (page 1,
28 29	Amend the bill in section 4 in subsection 4 (page 1, lines 36 to 39 in L.D.) and inserting the	
30 31 32 33	'4. Notwithstanding section 1323, subsection 1 and 2, the court shall order restitution under results in any damages or pecuniary loss. If pos appropriate professional conservator. The follow	chapter 54 if a violation of subsection 1 ssible, damages must be calculated by an

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COMMITTEE AMENDMENT

COMMITTEE AMENDMENT " A " to S.P. 374, L.D. 1071

Amend the bill in section 5 in §507-B in the first line in the headnote (page 2, line 17 in L.D.) by inserting after the following: "gravestones" the following: 'and memorials'

Amend the bill in section 5 in §507-B in subsection 4 by striking out all of the first paragraph (page 2, lines 39 and 40 and page 3, lines 1 and 2 in L.D.) and inserting the following:

'4. Notwithstanding section 1323, subsections 1 and 2 and section 1325, subsections 1 and 2, the court shall order restitution under chapter 54 if a violation of subsection 1 results in any damages or pecuniary loss. If possible, damages must be calculated by an appropriate professional conservator. The following may be a claimant under section 1324:'

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Amend the bill by striking out all of section 8.

12 Amend the bill by relettering or renumbering any nonconsecutive Part letter or 13 section number to read consecutively.

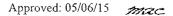
SUMMARY

15 This amendment is the minority report of the committee. The amendment retains the 16 provisions of the bill that make restitution mandatory in criminal cases involving 17 interference with a cemetery or burial ground and illegal possession of gravestones. The 18 amendment strikes from the bill the provision that removes from the consideration of the 19 court the inability to pay of a person who commits these crimes. The amendment strikes 20 from the bill the strict liability crime of removal of a flower, flag, flag holder or memorial 21 token from a grave, tomb, monument or burial lot and the crime of owning or controlling 22 an animal that destroys, mutilates, defaces, injures or removes any tomb, monument, 23 gravestone, marker, metal plaque, flag, flag holder or veteran's grave marker or other 24 structure or thing placed or designed as a memorial or to protect a memorial for the dead, 25 or any portion or fragment of any such memorial, or any fence, railing, curb or other 26 enclosure for the burial of the dead. The amendment maintains the designation in current 27 law of interference with a cemetery or burial ground as a Class D crime. The amendment 28 requires municipalities to repair and restore tombs, monuments, gravestones, markers and 29 any fences, railings, curbs or other enclosures that have been damaged and for which 30 repair and restoration have not been provided by a person or organization.

FISCAL NOTE REQUIRED (See attached)

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COMMITTEE AMENDMENT





127th MAINE LEGISLATURE

LD 1071

LR 1579(02)

An Act To Increase the Penalties for Vandalizing a Cemetery

Fiscal Note for Bill as Amended by Committee Amendment 'A'' (S-100) Committee: Criminal Justice and Public Safety Fiscal Note Required: Yes

Fiscal Note

State Mandate - Unfunded

Correctional and Judicial Impact Statements

Establishes new Class D crimes.

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

State Mandates

Required Activity	Unit Affected	Local Cost
To repair and restore tombs, monuments, gravestones and related enclosures in	Municipality	Significant
cemeteteries.		statewide

The required local activities in this bill may represent a State mandate pursuant to the Constitution of Maine. Unless General Fund appropriations are provided to fund at least 90% of the additional costs or a Mandate Preamble is amended to the bill and two-thirds of the members of each House vote to exempt this mandate from the funding requirement, municipalities may not be required to implement these changes.