LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 1980 to June 19, 1981

AND AT THE

FIRST SPECIAL SESSION
August 3, 1981

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PUBLIC LAWS

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6. For purposes of this section, the term of a sale made pursuant to an open-end agreement commences with the date credit is granted or, if goods are delivered or services performed 10 days or more after that date, with the date of commencement of performance or with the date of completion of delivery. Delivery and performance include delivery or performance by a subcontractor or agent of the seller.

Effective September 18, 1981

CHAPTER 324

S. P. 280 — L. D. 811

AN ACT to Reorganize Certain Chapters of the Maine Criminal Code.

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

Sec. 1. 17-A MRSA § 1, sub-§ 2, 3rd sentence, as repealed and replaced by PL 1977, c. 78, § 118, is amended to read:

In such cases, the sentencing authority of the court is determined by the application ~~of section 4-A, subsection 3, to the prior law~~ **to the prior law of section 4-A, subsection 3, which became effective for this purpose May 1, 1976.**

Sec. 2. 17-A MRSA § 2, sub-§§ 6, 7, 11, 15, 16 and 22, as enacted by PL 1975, c. 499, § 1, are amended to read:

6. "Criminal negligence" has the meaning set forth in section ~~10~~ 35.

7. "Culpable" has the meaning set forth in section ~~10~~ 35.

11. "Element of the crime" has the meaning set forth in section ~~6~~ 32.

15. "Intentionally" has the meaning set forth in section ~~10~~ 35.

16. "Knowingly" has the meaning set forth in section ~~10~~ 35.

22. "Recklessly" has the meaning set forth in section ~~10~~ 35.

Sec. 3. 17-A MRSA § 4, as amended by PL 1977, c. 510, § 14, is repealed and the following enacted in its place:

§ 4. Classification of crimes in this Code

1. Except for murder, all crimes defined by this Code are classified for purposes of sentencing as Class A, Class B, Class C, Class D and Class E crimes.

2. All civil violations are expressly declared not to be criminal offenses. They are enforceable by the Attorney General, his representative or any other appropriate public official in a civil action to recover what may be designated a fine, penalty or other sanction, or to secure the forfeiture that may be decreed by the statute. Evidence obtained pursuant to an unlawful search and seizure shall not be admissible in a civil violation proceeding arising under Title 22, section 2383.

Sec. 4. 17-A MRSA § 4-A, sub-§ 1, as amended by PL 1977, c. 564, § 84, is repealed and the following enacted in its place:

1. Except as provided in section 1, subsection 2, this section becomes effective October 24, 1977.

Sec. 5. 17-A MRSA § 4-A, sub-§ 2, as last amended by PL 1977, c. 661, § 6, is repealed.

Sec. 6. 17-A MRSA § 4-A, sub-§ 2-A is enacted to read:

2-A. A statute outside this code may be expressly designated as a Class A, Class B, Class C, Class D or Class E crime, in which case sentencing for violation of such a statute is governed by the provisions of this code.

Sec. 7. 17-A MRSA § 4-A, sub-§ 4, as amended by PL 1977, c. 510, § 16, is repealed and the following enacted in its place:

4. A statute or ordinance outside this code may be expressly designated as a civil violation.

A statute or ordinance outside this code which prohibits defined conduct, but does not provide an imprisonment penalty, is a civil violation, enforceable in accordance with section 4, subsection 3.

A statute or ordinance outside this code which is stated to be a criminal violation or which otherwise uses language indicating that it is a crime, but does not provide an imprisonment penalty is a civil violation, enforceable in accordance with section 4, subsection 3, unless the statute or ordinance is an exception to the operation of this subsection.

Sec. 8. 17-A MRSA § 5, as amended by PL 1975, c. 740, §§ 15 and 16, is repealed.

Sec. 9. 17-A MRSA § 6, sub-§ 1, as enacted by PL 1975, c. 740, § 16-A, is amended to read:

1. The provisions of chapters 1, 2, 3, 5, 7, 47, 49, 51 ~~and~~ , 53 **and 54** are applicable to crimes defined outside this code, unless the context of the statute defining the crime clearly requires otherwise.

Sec. 10. 17-A MRSA § 7, sub-§ 5 is enacted to read:

5. The existence of territorial jurisdiction must be proved beyond a reasonable doubt.

Sec. 11. 17-A MRSA § 10, as last amended by PL 1977, c. 510, §§ 20 to 23, is repealed.

Sec. 12. 17-A MRSA § 10-A is enacted as follows:

§ 10-A. Jurisdiction over juveniles

1. No criminal proceeding may be commenced against any person who had not attained his 18th birthday at the time of the alleged crime, except as the result of a finding of probable cause authorized by Title 15, section 3101, subsection 4, or in regard to the offenses over which juvenile courts have no jurisdiction, as provided in Title 15, section 3101, subsection 2.

2. When it appears that the defendant's age, at the time the crime charged was committed, may have been such that the court lacks jurisdiction by reason stated in subsection 1, the court shall hold a hearing on the matter and the burden shall be on the State to establish the court's jurisdiction, as defined by subsection 1, by a preponderance of the evidence.

Sec. 13. 17-A MRSA § 11, as amended by PL 1975, c. 740, § 19, is repealed.

Sec. 14. 17-A MRSA c. 2 is enacted to read:

CHAPTER 2

CRIMINAL LIABILITY; ELEMENTS OF CRIMES

§ 31. Voluntary conduct

1. A person commits a crime only if he engages in voluntary conduct. Voluntary conduct includes an act or a voluntary omission.

2. An omission is voluntary only if the actor fails to perform an act of which he is physically capable and which he has a legal duty and an opportunity to perform.

3. Possession is voluntary conduct only if the possessor knowingly procured or received the thing possessed or was aware of his control thereof for a sufficient period to have been able to terminate his possession.

§ 32. Elements of crimes defined

No person may be convicted of a crime unless each element of the crime is proved beyond a reasonable doubt. "Element of the crime" means the forbidden conduct; the attendant circumstances specified in the definition of the crime; the intention, knowledge, recklessness or negligence as may be required; and any required result.

§ 33. Result as an element; causation

Unless otherwise provided, when causing a result is an element of a crime, causation may be found where the result would not have occurred but for the conduct of the defendant operating either alone or concurrently with another cause, unless the concurrent cause was clearly sufficient to produce the result and the conduct of the defendant was clearly insufficient.

§ 34. Culpable state of mind as an element

1. A person is not guilty of a crime unless he acted intentionally, knowingly, recklessly or negligently, as the law defining the crime specifies, with respect to each other element of the crime, except as provided in subsection 5. When the state of mind required to establish an element of a crime is specified as "wilfully," "corruptly," "maliciously" or by some other term importing a state of mind, that element is satisfied if, with respect thereto, the person acted intentionally or knowingly.

2. When the definition of a crime specifies the state of mind sufficient for the commission of that crime, but without distinguishing among the elements thereof, the specified state of mind shall apply to all the elements of the crime, unless a contrary purpose plainly appears.

3. When the law provides that negligence is sufficient to establish an element of a crime, that element is also established if, with respect thereto, a person acted intentionally, knowingly or recklessly. When the law provides that recklessness is sufficient to establish an element of a crime, that element is also established if, with respect thereto, a person acted intentionally or knowingly. When the law provides that acting knowingly is sufficient to establish an element of the crime, that element is also established if, with respect thereto, a person acted intentionally.

4. Unless otherwise expressly provided, a culpable mental state need not be proved with respect to:

A. Any fact which is solely a basis for sentencing classification; or

B. Any element of the crime as to which it is expressly stated that it must "in fact" exist.

5. If a statute defining a crime in this code does not expressly prescribe a culpable mental state with respect to some or all of the elements of the crime, a culpable mental state is nevertheless required, pursuant to subsections 1, 2 and 3, unless:

A. The statute expressly provides that a person may be guilty of a crime without a culpable state of mind as to those elements; or

B. A legislative intent to impose liability without a culpable state of mind as to those elements otherwise appears.

§ 35. Definitions of culpable states of mind

1. "Intentionally."

A. A person acts intentionally with respect to a result of his conduct when it is his conscious object to cause such a result.

B. A person acts intentionally with respect to attendant circumstances when he is aware of the existence of such circumstances or believes that they exist.

2. "Knowingly."

A. A person acts knowingly with respect to a result of his conduct when he is aware that it is practically certain that his conduct will cause such a result.

B. A person acts knowingly with respect to attendant circumstances when he is aware that such circumstances exist.

3. "Recklessly."

A. A person acts recklessly with respect to a result of his conduct when he consciously disregards a risk that his conduct will cause such a result.

B. A person acts recklessly with respect to attendant circumstances when he consciously disregards a risk that such circumstances exist.

C. For purposes of this subsection, the disregard of the risk, when viewed in light of the nature and purpose of the person's conduct and the circumstances known to him, must involve a gross deviation from the standard of conduct that a reasonable and prudent person would observe in the same situation.

4. "Criminal negligence."

A. A person acts with criminal negligence with respect to a result of his conduct when he fails to be aware of a risk that his conduct will cause such a result.

B. A person acts with criminal negligence with respect to attendant circumstances when he fails to be aware of a risk that such circumstances exist.

C. For purposes of this subsection, the failure to be aware of the risk, when viewed in light of the nature and purpose of the person's conduct and the circumstances known to him, must involve a gross deviation from the standard of conduct that a reasonable and prudent person would observe in the same situation.

5. "Culpable." A person acts culpably when he acts with the intention, knowledge, recklessness or criminal negligence as is required.

§ 36. Ignorance or mistake

1. Evidence of ignorance or mistake as to a matter of fact or law may raise a reasonable doubt as to the existence of a required culpable state of mind.

2. Ignorance or mistake as to a matter of fact or law is a defense only if the law provides that the state of mind established by such ignorance or mistake constitutes a defense.

3. Although ignorance or mistake would otherwise afford a defense to the crime charged, the defense is not available if the defendant would be guilty of another crime had the situation been as he supposed.

4. It is an affirmative defense if the defendant engages in conduct which he believes does not legally constitute a crime if:

A. The statute violated is not known to the defendant and has not been published or otherwise reasonably made available prior to the conduct alleged; or

B. The defendant acts in reasonable reliance upon an official statement, afterward determined to be invalid or erroneous, contained in:

(1) A statute, ordinance or other enactment;

(2) A final judicial decision, opinion or judgment;

(3) An administrative order or grant of permission; or

(4) An official interpretation of the public officer or body charged by law with responsibility for the interpretation, administration or enforcement of the statute defining the crime. This subsection does not impose any duty to make any such official interpretation.

5. A mistaken belief that facts exist which would constitute an affirmative defense is not an affirmative defense, except as otherwise expressly provided.

§ 37. Intoxication

1. Except as provided in subsection 2, evidence of intoxication may raise a reasonable doubt as to the existence of a required culpable state of mind.

2. When recklessness establishes an element of the offense, if the actor, due to self-induced intoxication, is unaware of a risk of which he would have been aware had he not been intoxicated, such unawareness is immaterial.

3. As used in this section:

A. "Intoxication" means a disturbance of mental capacities resulting from the introduction of alcohol, drugs or similar substances into the body; and

B. "Self-induced intoxication" means intoxication caused when the actor intentionally or knowingly introduces into his body substances which the actor knows or ought to know tend to cause intoxication, unless he introduces them pursuant to medical advice or under such duress as would afford a defense to a charge of crime.

§ 38. Mental abnormality

Evidence of an abnormal condition of the mind may raise a reasonable doubt as to the existence of a required culpable state of mind.

§ 39. Insanity

1. A defendant is not criminally responsible if, at the time of the criminal conduct, as a result of mental disease or defect, he either lacked substantial capacity to conform his conduct to the requirements of the law, or lacked substantial capacity to appreciate the wrongfulness of his conduct. The defendant shall have the burden of proving, by a preponderance of the evidence, that he lacks criminal responsibility as described in this subsection.

2. As used in this section, "mental disease or defect" means any abnormal condition of the mind which substantially affects mental or emotional processes and substantially impairs the processes and capacity of a person to control his actions. An abnormality manifested only by repeated criminal conduct or excessive use of alcohol, drugs or similar substances, in and of itself, does not constitute a mental disease or defect.

§ 40. Procedure upon plea of not guilty coupled with plea of not guilty by reason of insanity

1. When the defendant enters a plea of not guilty together with a plea of not guilty by reason of insanity, he shall also elect whether the trial shall be in 2 stages as provided for in this section, or a unitary trial in which both the issues of

guilt and of insanity are submitted simultaneously to the jury. At the defendant's election, the jury shall be informed that the 2 pleas have been made and that the trial will be in 2 stages.

2. If a 2-stage trial is elected by the defendant, there shall be a separation of the issue of guilt from the issue of insanity in the following manner.

A. The issue of guilt shall be tried first and the issue of insanity tried only if the jury returns a verdict of guilty. If the jury returns a verdict of not guilty, the proceedings shall terminate.

B. Evidence of mental disease or defect, as defined in section 39, subsection 2, shall not be admissible in the guilt or innocence phase of the trial for the purpose of establishing insanity. Such evidence shall be admissible for that purpose only in the 2nd phase following a verdict of guilty.

3. The issue of insanity shall be tried before the same jury as tried the issue of guilt. Alternate jurors who were present during the first phase of the trial but who did not participate in the deliberations and verdict thereof may be substituted for jurors who did participate. The defendant may elect to have the issue of insanity tried by the court without a jury.

4. If the jury in the first phase returns a guilty verdict, the trial shall proceed to the 2nd phase. The defendant and the State may rely upon evidence admitted during the first phase or they may recall witnesses. Any evidence relevant to insanity is admissible. The order of proof shall reflect that the defendant has the burden of establishing his lack of responsibility. The jury shall return a verdict that the defendant is responsible or not guilty by reason of mental disease or defect excluding responsibility. If the defendant is found responsible, the court shall sentence him according to law.

5. This section does not apply to cases tried before the court without a jury.

Sec. 15. 17-A MRSA c. 3, first 2 lines, as enacted by PL 1975, c. 499, § 1, are repealed and the following enacted in their place:

CHAPTER 3

CRIMINAL LIABILITY OF ACCOMPLICES, ORGANIZATIONS AND OTHERS

Sec. 16. 17-A MRSA §§ 51 and 52, as enacted by PL 1975, c. 499, § 1, are repealed.

Sec. 17. 17-A MRSA § 53, as amended by PL 1979, c. 127, § 126, is repealed.

Sec. 18. 17-A MRSA §§ 54, 55 and 56, as enacted by PL 1975, c. 499, § 1, are repealed.

Sec. 19. 17-A MRSA § 58, as amended by PL 1975, c. 740, §§ 23 and 24, is repealed.

Sec. 20. 17-A MRSA § 58-A, as amended by PL 1977, c. 510, §§ 26 and 27, is repealed.

Sec. 21. 17-A MRSA § 59, as last amended by PL 1977, c. 671, § 21, is repealed.

Sec. 22. 17-A MRSA § 62, as enacted by PL 1975, c. 499, § 1, is repealed.

Sec. 23. 17-A MRSA c. 5, first 2 lines, as enacted by PL 1975, c. 499, § 1, are repealed and the following enacted in their place:

CHAPTER 5

DEFENSES AND AFFIRMATIVE DEFENSES; JUSTIFICATION

Sec. 24. 17-A MRSA § 101, as enacted by PL 1975, c. 499, § 1, is repealed and the following enacted in its place:

§ 101. General rules for defenses and affirmative defenses; justification

1. The State is not required to negate any facts expressly designated as a "defense," or any exception, exclusion or authorization which is set out in the statute defining the crime by proof at trial, unless the existence of the defense, exception, exclusion or authorization is in issue as a result of evidence admitted at the trial which is sufficient to raise a reasonable doubt on the issue, in which case the State must disprove its existence beyond a reasonable doubt.

2. Where the statute explicitly designates a matter as an "affirmative defense," the matter so designated must be proved by the defendant by a preponderance of the evidence.

3. Conduct which is justifiable under this chapter constitutes a defense to any crime; provided that, if a person is justified in using force against another, but he recklessly injures or creates a risk of injury to 3rd persons, the justification afforded by this chapter is unavailable in a prosecution for such recklessness. If a defense provided under this chapter is precluded solely because the requirement that the actor's belief be reasonable has not been met, he may be convicted only of a crime for which recklessness or criminal negligence suffices, depending on whether his holding the belief was reckless or criminally negligent.

4. The fact that conduct may be justifiable under this chapter does not abolish or impair any remedy for such conduct which is available in any civil action.

5. For purposes of this chapter, use by a law enforcement officer or a corrections officer of chemical mace or any similar substance composed of a

mixture of gas and chemicals which has or is designed to have a disabling effect upon human beings is use of nondeadly force.

Sec. 25. 17-A MRSA § 102-A is enacted to read:

§ 102-A. Military orders

1. It is a defense if the defendant engaged in the conduct charged to constitute a crime in obedience to an order of his superior in the armed services which he did not know to be unlawful.

2. If the defendant was reckless in failing to know the unlawful nature of such an order, the defense is unavailable in a prosecution for a crime for which recklessness suffices to establish liability.

Sec. 26. 17-A MRSA § 103-A is enacted to read:

§ 103-A. Duress

1. It is a defense that, when a defendant engages in conduct which would otherwise constitute a crime, he is compelled to do so by threat of imminent death or serious bodily injury to himself or another person or because he was compelled to do so by force.

2. For purposes of this section, compulsion exists only if the force, threat or circumstances are such as would have prevented a reasonable person in the defendant's situation from resisting the pressure.

3. The defense set forth in this section is not available:

A. To a person who intentionally or knowingly committed the homicide for which he is being tried;

B. To a person who recklessly placed himself in a situation in which it was reasonably probable that he would be subjected to duress; or

C. To a person who with criminal negligence placed himself in a situation in which it was reasonably probable that he would be subjected to duress, whenever criminal negligence suffices to establish culpability for the offense charged.

Sec. 27. 17-A MRSA § 109 is enacted to read:

§ 109. Consent

1. It is a defense that, when a defendant engages in conduct which would otherwise constitute a crime against the person or property of another, such other consented to the conduct and an element of the crime is negated as a result of such consent.

2. When conduct is a crime because it causes or threatens bodily injury, consent to such conduct or to the infliction of such injury is a defense only if:

A. Neither the injury inflicted nor the injury threatened was such as to endanger life or to cause serious bodily injury;

B. The conduct and the injury are reasonably foreseeable hazards of joint participation in a lawful athletic contest or competitive sport; or

C. The conduct and the injury are reasonably foreseeable hazards of an occupation or profession or of medical or scientific experimentation conducted by recognized methods, and the persons subjected to such conduct or injury have been made aware of the risks involved prior to giving consent.

3. Consent is not a defense within the meaning of this section if:

A. It is given by a person who is declared by a statute or by a judicial decision to be legally incompetent to authorize the conduct charged to constitute the crime, and such incompetence is manifest or known to the actor;

B. It is given by a person who, by reason of intoxication, mental illness or defect, or youth, is manifestly unable, or known by the defendant to be unable, to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the crime; or

C. It is induced by force, duress or deception.

Sec. 28. 17-A MRSA § 1154, as enacted by PL 1975, c. 499, § 1, is repealed.

Sec. 29. 17-A MRSA § 1155, as repealed and replaced by PL 1979, c. 512, § 35, is repealed.

Sec. 30. 17-A MRSA § 1155-A, as enacted by PL 1979, c. 512, § 36, is repealed.

Sec. 31. 17-A MRSA § 1156, as amended by PL 1979, c. 512, § 37, is repealed.

Sec. 32. 17-A MRSA § 1157, as amended by PL 1977, c. 696, § 171, is repealed.

Sec. 33. 17-A MRSA § 1255 is enacted to read:

§ 1255. Sentences in excess of one year deemed tentative

1. When a person has been sentenced to imprisonment for a term in excess of one year and such imprisonment has not been suspended, the sentence is deemed tentative, to the extent provided in this section.

2. If, as a result of the department's evaluation of such person's progress toward a noncriminal way of life, the department is satisfied that the sentence of

the court may have been based upon a misapprehension as to the history, character or physical or mental condition of the offender, or as to the amount of time that would be necessary to provide for protection of the public from such offender, the department may file in the sentencing court a petition to resentence the offender. The petition shall set forth the information as to the offender that is deemed to warrant his resentence and shall include a recommendation as to the sentence that should be imposed.

3. The court may, in its discretion, dismiss a petition filed under subsection 2 without a hearing if it deems the information set forth insufficient to warrant reconsideration of the sentence. If the court finds the petition warrants such reconsideration, it shall cause a copy of the petition to be served on the offender, the district attorney, the Attorney General and the victim of the crime or, in the case of a criminal homicide, on the victim's next of kin, all of whom shall have the right to be heard on the issue.

4. If the court grants a petition filed under subsection 2, it shall resentence the offender and may impose any sentence not exceeding the original sentence that was imposed. The period of his being in the custody of the department prior to resentence shall be applied in satisfaction of the revised sentence.

5. For all purposes other than this section, a sentence of imprisonment has the same finality when it is imposed that it would have if this section were not in force. Nothing in this section may alter the remedies provided by law for appealing a sentence, or for vacating or correcting an illegal sentence. As used in this section, "court" means the judge who imposed the original sentence, unless he is disabled or otherwise unavailable, in which case it means any judge exercising similar jurisdiction.

Sec. 34. 17-A MRSA § 1256 is enacted to read:

§ 1256. Multiple sentences of imprisonment

1. Other provisions of this section notwithstanding, when a person subject to an undischarged term of imprisonment is convicted of a violation of section 755, or of a crime against the person of a member of the staff of the institution in which he was imprisoned, or of an attempt to commit either of such crimes, the sentence shall run consecutively to the undischarged term of imprisonment.

2. In all other cases, the court shall state in the sentence of imprisonment whether a sentence shall be served concurrently with or consecutively to any other sentence previously imposed or to another sentence imposed on the same date. The sentences shall be concurrent unless, in considering the following factors, the court decides to impose sentences consecutively:

A. That the convictions are for offenses based on different conduct or arising from different criminal episodes;

B. That the defendant was under a previously imposed suspended or unsuspended sentence and was on probation, under incarceration or on a release program at the time he committed a subsequent offense;

C. That the defendant had been released on bail when he committed a subsequent offense, either pending trial of a previously committed offense or pending the appeal of previous conviction; or

D. That the seriousness of the criminal conduct involved in either a single criminal episode or in multiple criminal episodes or the seriousness of the criminal record of the convicted person, or both, require a sentence of imprisonment in excess of the maximum available for the most serious offense.

3. A defendant may not be sentenced to consecutive terms for crimes arising out of the same criminal episode when:

A. One crime is an included crime of the other;

B. One crime consists only of a conspiracy, attempt, solicitation or other form of preparation to commit, or facilitation of, the other;

C. The crimes differ only in that one is defined to prohibit a designated kind of conduct generally, and the other to prohibit a specific instance of that conduct; or

D. Inconsistent findings of fact are required to establish the commission of the crimes.

4. If the court decides to impose consecutive sentences, it shall state its reasons for doing so on the record or in the sentences.

5. If a person has been placed on probation pursuant to a previously imposed sentence and the court determines that the previously imposed sentence and a new sentence shall be served consecutively, the court shall revoke probation pursuant to section 1206, subsections 7 and 7-A. The court may order that the sentence which had been suspended to be served at the same institution as that which is specified by the new sentence.

6. If it is discovered subsequent to the imposition of a sentence of imprisonment that the sentencing court was unaware of a previously imposed sentence of imprisonment which is not fully discharged, the court shall resentence the defendant and shall specify whether the sentences are to be served concurrently or consecutively. The court shall not resentence the defendant if the sentences are required to be served consecutively pursuant to subsection 1.

Sec. 35. 17-A MRSA §1302-A is enacted to read:

§ 1302-A. Multiple fines

When multiple fines are imposed on a person at the same time or when a fine is imposed on a person already subject to an unpaid or partly unpaid fine, the fines shall be cumulative, unless the court specifies that only the highest single fine shall be paid in the case of offenses based on the same conduct, or arising out of the same criminal episode or for other good cause stated on the record or in the sentences.

Effective September 18, 1981

CHAPTER 325

S. P. 253 — L. D. 722

AN ACT to Further Exempt Certain Benevolent Organizations from the Employment Security Law.

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

26 MRSA § 1043, sub-§ 11, ¶F, sub-¶ (11), as repealed and replaced by PL 1971, c. 538, § 10, is amended to read:

(11) Service performed in any calendar quarter in the employ of any organization exempt from income tax under section 501 (a) of the Federal Internal Revenue Code, other than an organization described in section 401 (a) or under section 521, of such Code, if the remuneration for such service is less than ~~$50~~ **$150**;

Effective September 18, 1981

CHAPTER 326

H. P. 717 — L. D. 849

AN ACT Pertaining to Willful Killing and Injuring of Police Dogs and to Licensing Fees for Police Dogs.

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

Sec. 1. **7 MRSA § 3404** is amended by adding at the end a new paragraph to read:

Whoever knowingly or intentionally kills, torments, beats, kicks, strikes, mutilates, injures, disables or otherwise mistreats, dogs owned by any law