

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)

LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

SECOND SPECIAL SESSION

September 25, 1981

AND

THIRD SPECIAL SESSION

December 9, 1981

AND

SECOND REGULAR SESSION

January 6, 1982 to April 13, 1982

AND AT THE

FOURTH SPECIAL SESSION

April 28, 1982 to April 29, 1982

AND AT THE

FIFTH SPECIAL SESSION

May 13, 1982

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

J.S. McCarthy Co.
Augusta, Maine
1981

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND AND THIRD SPECIAL SESSIONS

and

SECOND REGULAR SESSION

and

FOURTH AND FIFTH SPECIAL SESSIONS

of the

ONE HUNDRED AND TENTH LEGISLATURE

1981

Any person who commits any of the acts prohibited in Title 17-A, section 357-A, or who otherwise damages, destroys or tampers with property of a utility as provided in Title 17-A, section 805 or 806, is liable in a civil action to the utility owning the property affected. This liability shall be for all damages suffered by the utility, including:

1. Service. The cost of utility services wrongfully used;

2. Repair. The cost of equipment repair or replacement, as necessary; and

3. Other costs. All other reasonable costs to the utility, including attorney fees and costs of undertaking and completing the investigation resulting in a determination of liability.

Effective July 13, 1982.

CHAPTER 669

H.P. 1969 - L.D. 1944

AN ACT to Clarify the Criminal Restraint by Parent Law.

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

Sec. 1. 17-A MRSA §303, sub-§1, as enacted by PL 1979, c. 512, §26, is repealed and the following enacted in its place:

1. A person is guilty of criminal restraint by parent if, being the parent of a child under the age of 16, and knowing he has no legal right to do so, he:

A. Takes, retains or entices the child from the custody of his other parent, guardian or other lawful custodian with the intent to remove the child from the State or to secrete him and hold him in a place where he is not likely to be found; or

B. Takes, retains or entices the child from the cus-

tody of his other parent, guardian or other lawful custodian, whose custodial authority was established by a court of this State, in the state in which the child is residing with his legal custodian with the intent to remove the child from that state or to secrete him and hold him in a place where he is not likely to be found.

Sec. 2. 17-A MRSA §303, sub-§3, as enacted by PL 1979, c. 512, §26, is amended by adding at the end a new paragraph to read:

For purposes of this subsection, "reasonable belief a child has been taken, retained or enticed in violation of this section" includes, but is not limited to, a determination by a law enforcement officer, based on his review of the terms of a certified copy of the most recent court decree granting custody of the child, that the parent who is exercising control over the child is not the person authorized to have custody under terms of the decree.

Sec. 3. 17-A MRSA §303, sub-§5, as enacted by PL 1979, c. 512, §26, is amended to read:

5. Criminal restraint by parent is a Class E C crime.

Sec. 4. **Legislative findings and intent.** The Legislature finds that the criminal restraint of a child by a noncustodial parent seriously interferes with the state's interest in the child's welfare. Raising the classification of the crime to Class C reflects its seriousness and permits the State to avail itself of federal resources in attempting to apprehend a person who has committed this crime and left the State to avoid prosecution. These federal resources are available to a state because the fleeing noncustodial parent in "cases involving parental kidnapping and interstate or international flight to avoid prosecution under applicable state felony statutes" (United States Code, Title 42, Section 502) commits the further federal crime of flight to avoid prosecution under the felony laws of the state from which he flees. (United States Code, Title 18, Section 1073).

The Legislature also intends to have the State seek extradition of a person apprehended outside of the State who has allegedly violated the Revised Statutes, Title 17-A, section 303, subsection 1, the crime of criminal restraint by parent.