

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1997

any other laws, the Director of Econometric Research serves at the pleasure of the assessor. The State Tax Assessor assessor, for enforcement and administrative purposes, may divide the State into a reasonable number of districts in which branch offices may be maintained.

Sec. 5. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1997-98	1998-99
ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF		
Bureau of Taxation		
Personal Services	(\$6,572)	(\$8,137)
Provides funds for the reclassification of the position of Director of Econometric Research by reducing the weekly hours of a vacant Clerk Typist II position by 16 hours.		
Bureau of Taxation		
Personal Services	6,535	8,091
Provides funds for reclassifying the position of Director of Econometric Research.		
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES		
TOTAL	(\$37)	(\$46)

See title page for effective date.

CHAPTER 460

H.P. 229 - L.D. 293

An Act to Create a Repeat Offender Provision Addressing Crimes of Violence against Persons

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

Sec. 1. 17-A MRSA §212, as amended by PL 1995, c. 694, Pt. D, §23 and affected by Pt. E, §2, is repealed.

Sec. 2. 17-A MRSA §254, sub-§3, ¶¶A and B, as repealed and replaced by PL 1995, c. 104, §3, are amended to read:

A. The actor was more than 10 years older than the other person; or

B. The actor knew the other person was related to the actor within the 2nd degree of consanguinity; or

Sec. 3. 17-A MRSA §254, sub-§3, ¶C, as repealed and replaced by PL 1995, c. 104, §3, is repealed.

Sec. 4. 17-A MRSA §255, sub-§2, as amended by PL 1995, c. 104, §7, is further amended to read:

2. Unlawful sexual contact is a Class D crime, except that a violation of subsection 1, paragraph J is a Class E crime and except that a violation of subsection 1, paragraph C, G or H is a Class C crime, ~~and a violation of this section when the actor has 2 or more prior Maine convictions for violations of this section is a Class C crime. For purposes of this subsection, the dates of both of the prior convictions must precede the commission of the offense being enhanced by no more than 5 years, although both prior convictions may have occurred on the same day. The date of a conviction is deemed to be the date that sentence is imposed, even though an appeal was taken. The date of a commission of an offense is presumed to be that stated in the complaint, information or indictment, notwithstanding the use of the words "on or about" or the equivalent.~~

Sec. 5. 17-A MRSA §1252, sub-§4-A is enacted to read:

4-A. If the State pleads and proves that, at the time any crime, excluding murder, under chapter 9, 11, 13 or 27 was committed, the defendant had been convicted of 2 or more crimes violating chapter 9, 11, 13 or 27 or essentially similar crimes in other jurisdictions, the sentencing class for the crime is one class higher than it would otherwise be. In the case of a Class A crime, the sentencing class is not increased, but the prior record must be given serious consideration by the court when imposing a sentence. For purposes of this subsection, the dates of the prior convictions must precede the commission of the offense being enhanced by no more than 10 years, although both prior convictions may have occurred on the same date. This subsection does not apply if the 2 prior offenses were committed within a 3-day period. The date of a conviction is deemed to be the date that sentence is imposed, even though an appeal was taken. The date an offense was committed is presumed to be the date stated in the complaint, information or indictment, notwithstanding the use of the words "on or about" or the equivalent.

See title page for effective date.