

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**SECOND SPECIAL SESSION**  
**July 29, 2005**

**SECOND REGULAR SESSION**  
**January 4, 2006 to May 24, 2006**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 28, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 23, 2006**

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

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2006**

(5) The DNA test results and other evidence admitted at the hearing conducted under this section on behalf of the person are not merely cumulative or impeaching, unless it is clear that such impeachment would have resulted in a different verdict.

The court shall state its findings of fact on the record or make written findings of fact supporting its decision to grant or deny the person authorized in section 2137 a new trial under this section. If the court finds that the person authorized in section 2137 has met the evidentiary burden of paragraph A, the court shall grant a new trial.

For purposes of this subsection, "all the other evidence in the case, old and new," means the evidence admitted at trial; evidence admitted in any hearing on a motion for new trial pursuant to Rule 33 of the Maine Rules of Criminal Procedure; evidence admitted at any collateral proceeding, state or federal; evidence admitted at the hearing conducted under this section relevant to the DNA testing and analysis conducted on the sample; and evidence relevant to the identity of the source of the DNA sample.

**Sec. 6. Effective date.** This Act takes effect September 1, 2006.

Effective September 1, 2006.

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## CHAPTER 660

S.P. 706 - L.D. 1789

### An Act To Amend the Crime of Aggravated Criminal Mischief

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

**Sec. 1.** 17-A MRSA §805, sub-§1, as amended by PL 1997, c. 482, §§1 to 3, is further amended to read:

1. A person is guilty of aggravated criminal mischief if that person ~~intentionally, knowingly or recklessly:~~

A. ~~Damages Intentionally, knowingly or recklessly damages~~ or destroys property of another in an amount exceeding \$2,000 in value, having no reasonable ground to believe that the person has a right to do so;

B. ~~Damages Intentionally, knowingly or recklessly damages~~ or destroys property in an amount exceeding \$2,000 in value, to enable any person to collect insurance proceeds for the loss caused;

C. ~~Damages Intentionally, knowingly or recklessly damages~~, destroys or tampers with the property of a law enforcement agency, fire department or supplier of gas, electric, steam, water, transportation, sanitation or communication services to the public, having no reasonable ground to believe that the person has a right to do so, and thereby causes a substantial interruption or impairment of service rendered to the public;

D. ~~Damages Intentionally, knowingly or recklessly damages~~, destroys or tampers with property of another and thereby recklessly endangers human life; ~~or~~

E. ~~Damages Intentionally, knowingly or recklessly damages~~ or destroys property of another by fire, having no reasonable ground to believe that the person has a right to do so, and the property damaged or destroyed is neither a dwelling place as defined in section 2, subsection 10 nor a structure as defined in section 2, subsection 24; ~~or~~

F. ~~Intentionally damages, destroys or tampers with the property of another, having no reasonable ground to believe that the person has a right to do so, for the purpose of causing substantial harm to the health, safety, business, calling, career, financial condition, reputation or personal relationships of the person with the property interest or any other person.~~

See title page for effective date.

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## CHAPTER 661

H.P. 1308 - L.D. 1868

### An Act To Eliminate Administrative Preliminary Hearings for Probationers

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

**Sec. 1.** 17-A MRSA §1205, sub-§4, as amended by PL 1999, c. 246, §1, is further amended to read:

4. A person arrested pursuant to subsection 1, with or without a warrant, must be afforded a ~~preliminary probable cause~~ hearing as soon as reasonably possible, but not later than on the ~~3rd~~ 5th day after arrest, excluding Saturdays, Sundays and holidays, ~~in accordance with the procedures set forth in section 1205-A.~~ A ~~preliminary probable cause~~ hearing may not be afforded if, within the ~~3-day~~ 5-day period, the person is released ~~on bail~~ from custody or is afforded an opportunity for a court hearing on the alleged