

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out all of section 3 and inserting the following:

‘**Sec. 3. 15 MRSA §103-A** is enacted to read:

§ 103-A. Commitment affected by certain sentences

1. Interruption of commitment. When a person while in the custody of the Commissioner of Health and Human Services pursuant to a commitment order under section 103 is found by a court to be in violation of the person's conditional release for a Maine conviction and new institutional confinement is ordered, or a person commits a Maine crime for which the person is subsequently convicted and the sentence imposed includes a straight term of imprisonment or a split sentence, the person must be placed in execution of that punishment, and custody pursuant to the commitment order under section 103 must automatically be interrupted thereby. In the event execution of that punishment is stayed pending appeal, the commitment under section 103 continues for the stay's duration. The person must be returned to the custody of the Commissioner of Health and Human Services pursuant to the commitment order under section 103 when the new institutional confinement ordered or the straight term of imprisonment or the unsuspended portion of the split sentence imposed has been fully served.’

Amend the bill by inserting after section 4 the following:

‘**Sec. 5. 15 MRSA §2115, last ¶**, as repealed and replaced by PL 1965, c. 356, §63, is repealed.

Amend the bill by striking out all of section 7.

Amend the bill by striking out all of sections 12 to 23.

Amend the bill by striking out all of section 26 and inserting the following:

‘**Sec. 26. 17-A MRSA §1201, sub-§1, ¶A-1**, as amended by PL 2007, c. 340, §1 and c. 344, §1, is repealed and the following enacted in its place:

A-1. The conviction is for a Class D or Class E crime other than:

(1) A Class D or Class E crime relative to which, based upon both the written agreement of the parties and a court finding, the facts and circumstances of the underlying criminal episode giving rise to the conviction generated probable cause to believe the defendant had committed a Class A, Class B or Class C crime in the course of that criminal episode and, as agreed upon in writing by the parties and found by the court, the defendant has no prior conviction for murder or for a Class A, Class B or Class C crime and has not been placed on probation pursuant to this subparagraph on any prior occasion;

(2) A Class D crime that the State pleads and proves was committed against a family or household member, a dating partner or a victim of sexual assault or stalking under chapter 9 or 13 or section 506-B, 554, 555 or 758. As used in this subparagraph, "family or household

member" has the same meaning as in Title 19-A, section 4002, subsection 4; "dating partner" has the same meaning as in Title 19-A, section 4002, subsection 3-A; "victim of sexual assault or stalking" means a person who has been a victim of conduct defined as stalking in section 210-A or described as sexual assault in chapter 11 committed by someone other than a family or household member or dating partner;

(3) A Class D or Class E crime in chapter 11 or 12;

(4) A Class D crime under section 210-A;

(4-A) A Class E crime under section 552;

(5) A Class D or Class E crime under section 556, section 854, excluding subsection 1, paragraph A, subparagraph (1), or section 855;

(6) A Class D crime in chapter 45 relating to a schedule W drug; or

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(7) A Class D or Class E crime under Title 29-A, section 2411, subsection 1-A, paragraph B.

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

SUMMARY

This amendment strikes from the bill a correction of an outdated reference to Rule 42 of the Maine Rules of Criminal Procedure, as this correction was made in Public Law 2007, chapter 196, section 6.

The amendment strikes from the bill language that elevates the crime of theft by extortion to a Class B crime if the value of the property stolen is more than \$10,000.

The amendment also strikes from the bill the 2 new aggravated forms of home repair fraud.

The amendment also corrects a conflict created when Public Law 2007, chapter 340 and chapter 344 both affected the same provision of law. The amendment corrects that conflict by incorporating the changes made by both.