



127th MAINE LEGISLATURE

SECOND REGULAR SESSION-2016

Legislative Document

No. 1642

S.P. 669

In Senate, March 9, 2016

An Act Regarding Stolen Valor

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by President THIBODEAU of Waldo.

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

2 **Sec. 1. 17-A MRSA §354, sub-§2, ¶A**, as amended by PL 2015, c. 21, §1, is
3 further amended to read:

4 A. Creates or reinforces an impression that is false and that the person does not
5 believe to be true, including false ~~claims~~ impressions that the person is a veteran or a
6 member of the Armed Forces of the United States or a state military force and false
7 impressions as to identity, law, value, knowledge, opinion, intention or other state of
8 mind; except that an intention not to perform a promise, or knowledge that a promise
9 will not be performed, may not be inferred from the fact alone that the promise was
10 not performed;

11 **Sec. 2. 17-A MRSA §1306** is enacted to read:

12 **§1306. Deposit of certain fines in Maine Military Family Relief Fund**

13 Notwithstanding any provision of law to the contrary, if a person is convicted under
14 section 354, subsection 2, paragraph A of theft by deception due to that person's
15 intentional creation or reinforcement of a false impression that the person is a veteran or a
16 member of the Armed Forces of the United States or a state military force, any fine
17 imposed on that person by the court must be deposited in the Maine Military Family
18 Relief Fund established in Title 37-B, section 158.

19 **Sec. 3. 37-B MRSA §158**, as amended by PL 2013, c. 424, Pt. A, §29, is further
20 amended to read:

21 **§158. Maine Military Family Relief Fund**

22 The Maine Military Family Relief Fund, referred to in this section as "the fund," is
23 established as a nonlapsing fund in the department administered according to rules
24 adopted by the Adjutant General. The funds deposited in the fund include, but are not
25 limited to, fines imposed by the court on any person convicted under Title 17-A, section
26 354, subsection 2, paragraph A of theft by deception due to that person's intentional
27 creation or reinforcement of a false impression that the person is a veteran or a member of
28 the Armed Forces of the United States or a state military force. The Adjutant General is
29 authorized to award loans and grants from the fund for emergencies and other special
30 needs to members or families of members of the Maine National Guard or residents of the
31 State who are members or families of members of the Reserves of the Armed Forces of
32 the United States and to distribute funds to a statewide nonprofit organization established
33 for the purpose of providing assistance to members or families of members of the Maine
34 National Guard or residents of the State who are members or families of members of the
35 Reserves of the Armed Forces of the United States. The Military Bureau shall adopt rules
36 establishing eligibility criteria for the loans and grants. Rules adopted pursuant to this
37 section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

SUMMARY

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Public Law 2015, chapter 21 amended the law governing theft by deception to specifically include as deception false claims of being a veteran or a member of the Armed Forces of the United States or a state military force. This bill specifies instead that the intentional creation or reinforcement of a false impression that a person is such a veteran or member constitutes deception under this law. This bill also specifies that any fine imposed on such a person must be deposited in the Maine Military Family Relief Fund.