



# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 310

S.P. 125

In Senate, February 10, 2015

### An Act To Prevent Organized Retail Crime

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator VOLK of Cumberland.  
Cosponsored by Representative HOBBS of Saco and  
Senators: BURNS of Washington, GERZOFKY of Cumberland, LANGLEY of Hancock,  
WHITTEMORE of Somerset, Representatives: PICCHIOTTI of Fairfield, POULIOT of  
Augusta, SHAW of Standish, WARREN of Hallowell.

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

2 **Sec. 1. 17-A MRSA §353, sub-§1, ¶B,** as amended by PL 2007, c. 476, §10, is  
3 further amended to read:

4 B. The person violates paragraph A and:

5 (1) The value of the property is more than \$10,000. Violation of this  
6 subparagraph is a Class B crime;

7 (2) The property stolen is a firearm or an explosive device. Violation of this  
8 subparagraph is a Class B crime;

9 (3) The person is armed with a dangerous weapon at the time of the offense.  
10 Violation of this subparagraph is a Class B crime;

11 (4) The value of the property is more than \$1,000 but not more than \$10,000.  
12 Violation of this subparagraph is a Class C crime;

13 (5) The value of the property is more than \$500 but not more than \$1,000.  
14 Violation of this subparagraph is a Class D crime; or

15 (6) The person has 2 or more prior convictions for any combination of the Maine  
16 offenses listed in this subparagraph or for engaging in substantially similar  
17 conduct to that of the Maine offenses listed in this subparagraph in another  
18 jurisdiction. The Maine offenses are: theft; any violation of section 401 in which  
19 the crime intended to be committed inside the structure is theft; any violation of  
20 section 405 in which the crime intended to be committed inside the motor vehicle  
21 is theft; any violation of section 651; any violation of section 702, 703 or 708; or  
22 attempts to commit any of these crimes. Section 9-A governs the use of prior  
23 convictions when determining a sentence. Violation of this subparagraph is a  
24 Class C crime; or

25 **Sec. 2. 17-A MRSA §353, sub-§1, ¶C,** as enacted by PL 2005, c. 199, §4, is  
26 amended to read:

27 C. The person knowingly operates an audiovisual or audio recording function of any  
28 device in a motion picture theater while a motion picture is being exhibited for the  
29 purpose of making a copy of the motion picture, without the written consent of the  
30 motion picture theater owner. Violation of this paragraph is a Class D crime;

31 **Sec. 3. 17-A MRSA §353, sub-§1, ¶¶D and E** are enacted to read:

32 D. The person acts in concert with one or more persons, including an employee of a  
33 retail establishment, to obtain or exercise unauthorized control over property of a  
34 retail establishment with the intent to sell the property. Violation of this paragraph is  
35 a Class C crime; or

36 E. The person alters a product code or sales receipt for, affixes a false product code  
37 to or presents a false product code or sales receipt for retail merchandise with the  
38 intent to obtain or exercise unauthorized control over property of a retail  
39 establishment. Violation of this paragraph is a Class C crime.

**SUMMARY**

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This bill makes the following a Class C crime:

1. The theft of retail merchandise by 2 or more people acting in concert, including an employee of a retail establishment; and
2. The altering, affixing or presenting of a false product code or sales receipt in order to obtain or exercise unauthorized control over merchandise from a retail establishment.