

## CHAPTER 3

### CRIMINAL LIABILITY OF ACCOMPLICES, ORGANIZATIONS AND PLANTS

#### **§51. Basis for liability**

**(REPEALED)**

SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 1981, c. 324, §16 (RP).

#### **§52. Ignorance and mistake**

**(REPEALED)**

SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 1981, c. 324, §16 (RP).

#### **§53. Immaturity**

**(REPEALED)**

SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 1979, c. 127, §126 (AMD). PL 1981, c. 324, §17 (RP).

#### **§54. Duress**

**(REPEALED)**

SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 1981, c. 324, §18 (RP).

#### **§55. Consent**

**(REPEALED)**

SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 1981, c. 324, §18 (RP).

#### **§56. Causation**

**(REPEALED)**

SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 1981, c. 324, §18 (RP).

#### **§57. Criminal liability for conduct of another; accomplices**

1. A person may be guilty of a crime if it is committed by the conduct of another person for which the person is legally accountable as provided in this section.

[PL 2007, c. 173, §13 (AMD).]

2. A person is legally accountable for the conduct of another person when:

A. Acting with the intention, knowledge, recklessness or criminal negligence that is sufficient for the commission of the crime, the person causes an innocent person, or a person not criminally responsible, to engage in such conduct; or [PL 2007, c. 173, §13 (AMD).]

B. The person is made accountable for the conduct of such other person by the law defining the crime; or [PL 2007, c. 173, §13 (AMD).]

C. The person is an accomplice of such other person in the commission of the crime, as provided in subsection 3. [PL 2007, c. 173, §13 (AMD).]  
[PL 2007, c. 173, §13 (AMD).]

3. A person is an accomplice of another person in the commission of a crime if:

A. With the intent of promoting or facilitating the commission of the crime, the person solicits such other person to commit the crime, or aids or agrees to aid or attempts to aid such other person in planning or committing the crime. A person is an accomplice under this subsection to any crime the commission of which was a reasonably foreseeable consequence of the person's conduct; or [PL 2007, c. 173, §13 (AMD).]

B. The person's conduct is expressly declared by law to establish the person's complicity. [PL 2007, c. 173, §13 (AMD).]  
[PL 2007, c. 173, §13 (AMD).]

4. A person who is legally incapable of committing a particular crime may be guilty thereof if it is committed by the conduct of another person for which the person is legally accountable.  
[PL 2007, c. 173, §13 (AMD).]

5. Unless otherwise expressly provided, a person is not an accomplice in a crime committed by another person if:

A. The person is the victim of that crime; [PL 2007, c. 173, §13 (AMD).]

B. The crime is so defined that it cannot be committed without the person's cooperation; or [PL 2007, c. 173, §13 (AMD).]

C. The person terminates complicity prior to the commission of the crime by:

(1) Informing the person's accomplice that the person has abandoned the criminal activity; and

(2) Leaving the scene of the prospective crime, if the person is present thereat. [PL 2007, c. 173, §13 (AMD).]

[PL 2007, c. 173, §13 (AMD).]

6. An accomplice may be convicted on proof of the commission of the crime and of the accomplice's complicity therein, though the person claimed to have committed the crime has not been prosecuted or convicted, or has been convicted of a different crime or degree of crime, or is not subject to criminal prosecution pursuant to section 10-A, subsection 1, or has an immunity to prosecution or conviction, or has been acquitted.  
[PL 2007, c. 173, §13 (AMD).]

#### SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 1977, c. 510, §§25-A (AMD). PL 2007, c. 173, §13 (AMD).

#### §58. Mental abnormality

**(REPEALED)**

#### SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 1975, c. 740, §§23,24 (AMD). PL 1981, c. 324, §19 (RP).

#### §58-A. Intoxication

**(REPEALED)**

#### SECTION HISTORY

PL 1975, c. 740, §25 (NEW). PL 1977, c. 510, §§26,27 (AMD). PL 1981, c. 324, §20 (RP).

#### §59. Procedure upon plea of not guilty coupled with plea of not guilty by reason of insanity

**(REPEALED)**

## SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 1977, c. 510, §28 (AMD). PL 1977, c. 671, §21 (AMD). PL 1981, c. 324, §21 (RP).

**§60. Criminal liability of an organization**

1. An organization is guilty of a crime when:

A. It omits to discharge a specific duty of affirmative performance imposed on it by law, and the omission is prohibited by this code or by a statute defining a criminal offense outside of this code; or [PL 1975, c. 499, §1 (NEW).]

B. The conduct or result specified in the definition of the crime is engaged in or caused by an agent of the organization while acting within the scope of the agent's office or employment. [PL 2007, c. 173, §14 (AMD).]

[PL 2007, c. 173, §14 (AMD).]

2. It is no defense to the criminal liability of an organization that the individual upon whose conduct the liability of the organization is based has not been prosecuted or convicted, has been convicted of a different offense, or is immune from prosecution.

[PL 1975, c. 499, §1 (NEW).]

## SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 2007, c. 173, §14 (AMD).

**§61. Individual liability for conduct on behalf of organization**

1. An individual is criminally liable for any conduct the individual performs in the name of an organization or in its behalf to the same extent as if it were performed in the individual's own name or behalf. Such an individual must be sentenced as if the conduct had been performed in the individual's own name or behalf.

[PL 2007, c. 173, §15 (AMD).]

2. If a criminal statute imposes a duty to act on an organization, any agent of the organization having primary responsibility for the discharge of the duty is criminally liable if the agent recklessly omits to perform the required act, and the agent must be sentenced as if the duty were imposed by law directly upon the agent.

[PL 2007, c. 173, §15 (AMD).]

## SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 2007, c. 173, §15 (AMD).

**§62. Military orders****(REPEALED)**

## SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 1981, c. 324, §22 (RP).

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