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CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
SENATE
126TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 448, L.D. 1305, Bill, “An Act To Discourage Tenants from Damaging Rental Property”

Amend the bill by striking out the title and substituting the following:

'An Act To Allow the Value of the Loss of Rental Income as a Result of Damage Caused by a Tenant To Be Used To Establish the Crime of Aggravated Criminal Mischief'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 17-A MRSA §805, sub-§1-B, as amended by PL 1977, c. 510, §67, is further amended to read:

1-B. As used in this section, ~~“value”~~, “value.” if the property is destroyed, ~~shall~~ must be determined pursuant to section 352, subsection 5. If the property is damaged, “value” ~~shall~~ must be determined by the cost of repair unless that determination exceeds the determination of the value of the property had it been destroyed, in which case the property ~~shall be~~ is deemed destroyed for purposes of this subsection. If the property damaged or destroyed is rental property, “value” includes the value of lost rental income on that rental property by the owner of that property while the property is being repaired and cannot reasonably be rented to another tenant. Amounts of value involved in mischiefs may be aggregated in the same manner as provided in section 352, subsection 5, paragraph E. Prosecution for an aggregated aggravated criminal mischief may be brought in any venue in which one of the criminal mischiefs ~~which have~~ that has been aggregated was committed.'

SUMMARY

This amendment replaces the bill and is the minority report. It provides that the value of the loss of rental income because of damage caused by the tenant may be used to establish the Class C crime of aggravated mischief.

COMMITTEE AMENDMENT