

## §2. Definitions

As used in this code, unless a different meaning is plainly required, the following words and variants thereof have the following meanings. [PL 1975, c. 499, §1 (NEW).]

1. "Act" or "action" means a voluntary bodily movement.  
[PL 1975, c. 499, §1 (NEW).]

2. "Acted" includes, where appropriate, possessed or omitted to act.  
[PL 1975, c. 499, §1 (NEW).]

3. "Actor" includes, where appropriate, a person who possesses something or who omits to act.  
[PL 1975, c. 499, §1 (NEW).]

### 3-A.

[PL 1977, c. 510, §9 (RP).]

**3-B.** "Another jurisdiction" means the Federal Government, the United States military, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, federally recognized Indian tribes and each of the several states except Maine.

[PL 2019, c. 621, Pt. E, §1 (AMD).]

**3-C. Adult probation supervisor.** "Adult probation supervisor" means any person who:

A. Is an employee of the Department of Corrections; [PL 2009, c. 142, §1 (NEW).]

B. Supervises adult probation officers; and [PL 2009, c. 142, §1 (NEW).]

C. Is trained, qualified and authorized by the Commissioner of Corrections to use deadly force.  
[PL 2009, c. 142, §1 (NEW).]

[PL 2009, c. 142, §1 (NEW).]

4. "Benefit" means any gain or advantage to the actor, and includes any gain or advantage to a person other than the actor which is desired or consented to by the actor.

[PL 1975, c. 499, §1 (NEW).]

5. "Bodily injury" means physical pain, physical illness or any impairment of physical condition.  
[PL 1975, c. 499, §1 (NEW).]

**5-A.** "Corrections officer" has the same meaning as in Title 25, section 2801-A, subsection 2.  
[PL 1995, c. 625, Pt. A, §19 (AMD).]

**5-B. Corrections supervisor.** "Corrections supervisor" means any person who:

A. Is an employee of the Department of Corrections; [PL 1995, c. 215, §1 (NEW).]

B. Supervises corrections officers; and [PL 1995, c. 215, §1 (NEW).]

C. Is trained, qualified and authorized by the Commissioner of Corrections to use deadly force.  
[PL 1995, c. 215, §1 (NEW).]

[PL 1995, c. 215, §1 (NEW).]

**5-C. Concurrent sentence.** "Concurrent sentence" means a sentence involving imprisonment that runs at the same time as one or more other sentences involving imprisonment while an individual is simultaneously in execution of each of them. A sentence involving imprisonment does not need to be imposed at the same time or begin or end at the same time as another sentence to be a concurrent sentence.

[PL 2019, c. 113, Pt. B, §1 (NEW).]

**5-D. Consecutive sentence.** "Consecutive sentence" means a sentence involving imprisonment that immediately follows in time another sentence involving imprisonment. A sentence is not a consecutive sentence with respect to another sentence if an individual is in execution of both sentences at any time. A sentence involving imprisonment does not need to be imposed at the same time as another sentence to be a consecutive sentence.

[PL 2019, c. 113, Pt. B, §1 (NEW).]

**6.** "Criminal negligence" has the meaning set forth in section 35.

[PL 1981, c. 324, §2 (AMD).]

**6-A.** "Critical infrastructure" means critical public or private infrastructure resource systems involved in providing services necessary to ensure or protect the public health, safety and welfare, including, but not limited to, a public water system or a public water source; an emergency, governmental, medical, fire or law enforcement response system; a public utility system; a financial system; an educational system; or a food or clothing distribution system.

[PL 2001, c. 634, §2 (NEW).]

**7.** "Culpable" has the meaning set forth in section 35.

[PL 1981, c. 324, §2 (AMD).]

**7-A. Day.** "Day," for purposes of imposing imprisonment or probation, administrative release or supervised release, means 24 hours.

[PL 2019, c. 113, Pt. B, §2 (NEW).]

**8.** "Deadly force" means physical force that a person uses with the intent of causing, or that a person knows to create a substantial risk of causing, death or serious bodily injury. Except as provided in section 101, subsection 5, intentionally, knowingly or recklessly discharging a firearm in the direction of another person or at a moving vehicle constitutes deadly force.

[PL 2009, c. 336, §4 (AMD).]

**9.** Dangerous weapon.

A. "Use of a dangerous weapon" means the use of a firearm or other weapon, device, instrument, material or substance, whether animate or inanimate, which, in the manner it is used or threatened to be used is capable of producing death or serious bodily injury. [PL 1977, c. 510, §10 (RPR).]

B. "Armed with a dangerous weapon" means in actual possession, regardless of whether the possession is visible or concealed, of:

(1) A firearm;

(2) Any device designed as a weapon and capable of producing death or serious bodily injury; or

(3) Any other device, instrument, material or substance, whether animate or inanimate, which, in the manner it is intended to be used by the actor, is capable of producing or threatening death or serious bodily injury. For purposes of this definition, the intent may be conditional. [PL 1977, c. 510, §10 (RPR).]

C. When used in any other context, "dangerous weapon" means a firearm or any device designed as a weapon and capable of producing death or serious bodily injury. [PL 1977, c. 510, §10 (RPR).]

D. For purposes of this subsection, proof that a thing is presented in a covered or open manner as a dangerous weapon gives rise to a permissible inference under the Maine Rules of Evidence, Rule 303 that it, in fact, is a dangerous weapon. [PL 2001, c. 383, §1 (AMD); PL 2001, c. 383, §156 (AFF).]

[PL 2001, c. 383, §1 (AMD); PL 2001, c. 383, §156 (AFF).]

**10.** "Dwelling place" means a structure that is adapted for overnight accommodation of persons, or sections of any structure similarly adapted. A dwelling place does not include garages or other structures, whether adjacent or attached to the dwelling place, that are used solely for the storage of property or structures formerly used as dwelling places that are uninhabitable. It is immaterial whether a person is actually present.

[PL 2011, c. 691, Pt. A, §11 (AMD).]

**11.** "Element of the crime" has the meaning set forth in section 32.

[PL 1981, c. 324, §2 (AMD).]

**12.** "Financial institution" means a bank, insurance company, credit union, safety deposit company, savings and loan association, investment trust, or other organization held out to the public as a place of deposit of funds or medium of savings or collective investment.

[PL 1975, c. 499, §1 (NEW).]

**12-A.** "Firearm" means any weapon, whether loaded or unloaded, which is designed to expel a projectile by the action of an explosive and includes any such weapon commonly referred to as a pistol, revolver, rifle, gun, machine gun or shotgun. Any weapon which can be made into a firearm by the insertion of a firing pin, or other similar thing, or by repair, is a firearm.

[PL 1983, c. 219 (AMD).]

**13.** "Government" means the United States, any state or any county, municipality or other political unit within territory belonging to the State, the United States, or any department, agency or subdivision of any of the foregoing, or any corporation or other association carrying out the functions of government or formed pursuant to interstate compact or international treaty.

[PL 1975, c. 499, §1 (NEW).]

**14.** "He" means, where appropriate, "she," or an organization.

[PL 1975, c. 499, §1 (NEW).]

**14-A. Individual.** "Individual" means a human being.

[PL 2019, c. 113, Pt. B, §3 (NEW).]

**15.** "Intentionally" has the meaning set forth in section 35.

[PL 1981, c. 324, §2 (AMD).]

**15-A. Jail.** "Jail" means a specially constructed or modified facility designated by law or regularly used for detention for a period of up to 12 months.

[PL 2019, c. 113, Pt. B, §4 (NEW).]

**16.** "Knowingly" has the meaning set forth in section 35.

[PL 1981, c. 324, §2 (AMD).]

**17.** "Law enforcement officer" means any person who by virtue of public employment is vested by law with a duty to maintain public order, to prosecute offenders, to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes, or to perform probation functions or who is an adult probation supervisor.

[PL 2013, c. 133, §5 (AMD).]

**17-A. Month.** "Month," for purposes of imposing imprisonment or probation, administrative release or supervised release, means 30 days.

[PL 2019, c. 113, Pt. B, §5 (NEW).]

**18.** "Nondeadly force" means any physical force which is not deadly force.

[PL 1975, c. 499, §1 (NEW).]

**19.** "Organization" means a corporation, partnership or unincorporated association.

[PL 1975, c. 499, §1 (NEW).]

**20.** "Person" means a human being or an organization.  
[PL 1975, c. 499, §1 (NEW).]

**21.** "Public servant" means any official officer or employee of any branch of government and any person participating as juror, advisor, consultant or otherwise, in performing a governmental function. A person is considered a public servant upon the person's election, appointment or other designation as such, although the person may not yet officially occupy that position.  
[PL 2007, c. 173, §2 (AMD).]

**21-A.** "Public utility system" includes any pipeline, gas, electric, steam, water, oil, transportation, sanitation, communication or other system operated for public use regardless of ownership.  
[PL 2001, c. 634, §2 (NEW).]

**21-B.** "Public water source" has the same meaning as in Title 22, section 2641.  
[PL 2001, c. 634, §2 (NEW).]

**21-C.** "Public water system" has the same meaning as in Title 22, section 2601, subsection 8.  
[PL 2001, c. 634, §2 (NEW).]

**22.** "Recklessly" has the meaning set forth in section 35.  
[PL 1981, c. 324, §2 (AMD).]

**23.** "Serious bodily injury" means a bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or loss or substantial impairment of the function of any bodily member or organ, or extended convalescence necessary for recovery of physical health.  
[PL 1975, c. 740, §11 (AMD).]

**23-A.** "Strict liability crime" has the meaning set forth in section 34.  
[PL 1999, c. 23, §1 (NEW).]

**23-B. Split sentence.** "Split sentence" means a sentence involving imprisonment, an initial portion of which is served and the remainder of which is suspended, accompanied by probation or administrative release.  
[PL 2019, c. 113, Pt. B, §6 (NEW).]

**24.** "Structure" means a building or other place designed to provide protection for persons or property against weather or intrusion, but does not include vehicles and other conveyances whose primary purpose is transportation of persons or property unless such vehicle or conveyance, or a section thereof, is also a dwelling place.  
[PL 1977, c. 510, §12 (NEW).]

**25.** "Terroristic intent" means the intent to do any of the following for the purpose of intimidating or coercing a civilian population or to affect the conduct of government:

A. Cause serious bodily injury or death to multiple persons; [PL 2001, c. 634, §2 (NEW).]

B. Cause substantial damage to multiple structures; or [PL 2001, c. 634, §2 (NEW).]

C. Cause substantial damage to critical infrastructure. [PL 2001, c. 634, §2 (NEW).]

[PL 2001, c. 634, §2 (NEW).]

**26. Week.** "Week," for purposes of imposing imprisonment or probation, administrative release or supervised release, means 7 days.  
[PL 2019, c. 113, Pt. B, §7 (NEW).]

**27. Year.** "Year," for purposes of imposing imprisonment or probation, administrative release or supervised release, means 365 days.  
[PL 2019, c. 113, Pt. B, §7 (NEW).]

SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 1975, c. 740, §11 (AMD). PL 1977, c. 510, §§9-12 (AMD). PL 1981, c. 324, §2 (AMD). PL 1983, c. 219 (AMD). PL 1989, c. 18, §1 (AMD). PL 1989, c. 113, §2 (AMD). PL 1995, c. 215, §1 (AMD). PL 1995, c. 625, §A19 (AMD). PL 1999, c. 23, §1 (AMD). PL 2001, c. 383, §1 (AMD). PL 2001, c. 383, §156 (AFF). PL 2001, c. 634, §2 (AMD). PL 2007, c. 173, §§1, 2 (AMD). PL 2007, c. 476, §1 (AMD). PL 2009, c. 142, §§1, 2 (AMD). PL 2009, c. 336, §4 (AMD). PL 2011, c. 691, Pt. A, §11 (AMD). PL 2013, c. 133, §5 (AMD). PL 2019, c. 113, Pt. B, §§1-7 (AMD). PL 2019, c. 621, Pt. E, §1 (AMD).

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