

**§401. Burglary****1. A person is guilty of burglary if:**

A. The person enters or surreptitiously remains in a structure knowing that that person is not licensed or privileged to do so, with the intent to commit a crime therein. Violation of this paragraph is a Class C crime; or [PL 2001, c. 383, §53 (NEW); PL 2001, c. 383, §156 (AFF).]

**B. The person violates paragraph A and:**

(1) The person is armed with a firearm, or knows that an accomplice is so armed. Violation of this subparagraph is a Class A crime;

(2) The person intentionally or recklessly inflicts or attempts to inflict bodily injury on anyone during the commission of the burglary or an attempt to commit the burglary or in immediate flight after the commission or attempt. Violation of this subparagraph is a Class B crime;

(3) The person is armed with a dangerous weapon other than a firearm or knows that an accomplice is so armed. Violation of this subparagraph is a Class B crime;

(4) The violation is against a structure that is a dwelling place. Violation of this subparagraph is a Class B crime; or

(5) At the time of the burglary, the person has 2 or more prior convictions for any combination of the Maine Class A, B or C offenses listed in this subparagraph or for engaging in substantially similar conduct to that of the Maine offenses listed in this subparagraph in another jurisdiction. The Maine offenses are: theft; any violation of this section or section 651, 702 or 703; or attempts to commit any of these crimes. Section 9-A governs the use of prior convictions when determining a sentence. Violation of this subparagraph is a Class B crime. [PL 2007, c. 476, §21 (AMD).]

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**2.**

[PL 2001, c. 383, §54 (RP); PL 2001, c. 383, §156 (AFF).]

**3. A person may be convicted both of burglary and of the crime that the person committed or attempted to commit after entering or remaining in the structure, but sentencing for both crimes is governed by section 1608.**

[PL 2019, c. 113, Pt. C, §61 (AMD).]

**SECTION HISTORY**

PL 1975, c. 499, §1 (NEW). PL 1975, c. 740, §60 (AMD). PL 1977, c. 510, §§50-52 (AMD). PL 1985, c. 282, §4 (AMD). PL 1997, c. 477, §1 (AMD). PL 2001, c. 383, §§53-55 (AMD). PL 2001, c. 383, §156 (AFF). PL 2007, c. 476, §21 (AMD). PL 2019, c. 113, Pt. C, §61 (AMD).

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