

MAINE STATE LEGISLATURE

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STATE OF MAINE
116TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY

JULY 1993

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**ONE HUNDRED AND SIXTEENTH LEGISLATURE
FIRST REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

JULY 1993

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. All adopted amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of enacted Resolve</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>CARRIED OVER</i>	<i>Bill carried over to Second Session</i>
<i>ONTP</i>	<i>Ought Not to Pass report accepted</i>
<i>ENACTMENT FAILED</i>	<i>Bill failed to get majority vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>FAILED EMERGENCY ENACTMENT</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference formed but unable to agree</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>
<i>UNSIGNED</i>	<i>Not signed by Governor within 10 days</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>

These summaries were prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond and Valarie Parlin.

If you have any suggestions or comments on these summaries, please let us know.

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COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-486

SUMMARY

The bill expands the definition of sexual act to include the penetration of the genitals or anus of one person with any body part of another person when the purpose of the act is for arousing or gratifying sexual desire or for causing bodily injury or offensive physical contact. The existing acts defined as "sexual acts" do not require the allegation and proof of penetration; this new provision does require the allegation and proof of penetration as an element of the crime.

The bill makes unlawful sexual contact a Class B crime if compulsion is a factor. Sexual contact is defined in the Maine Revised Statutes, Title 17-A, section 251 as "any touching of the genitals or anus, directly or through clothing, other than as would constitute a sexual act, for the purpose of arousing or gratifying sexual desire or for the purpose of causing bodily injury or offensive physical contact." Compulsion is defined in Title 17-A, section 251 as "the use of physical force, a threat to use physical force or a combination thereof that makes a person unable to physically repel the actor or produces in that person a reasonable fear that death, serious bodily injury or kidnapping might be imminently inflicted upon that person or another human being." Compulsion places no duty upon the victim to resist the actor.

Committee Amendment "A" (H-486) deletes from the bill the expansion of the definition of "sexual act." This amendment retains the recognition that, when compulsion is involved in circumstances of unlawful sexual contact, the crime is more serious and the risk of injury is greater. The bill as amended raises the classification of unlawful sexual contact to a Class C crime when physical force or a threat of physical force is used. The amendment also addresses an issue raised in L.D. 1243. A court determining the proper allocation or award of parental rights and responsibilities is required to take into account any history of domestic abuse between the parents. The amendment requires the court to also consider any history of child abuse, including sexual abuse, between either parent and the child.

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AMERO

COMMITTEE REPORT
ONTP

AMENDMENTS ADOPTED

SUMMARY

The bill would have addressed the stalking. It would have allowed a law enforcement officer to make a warrantless arrest of a person who harasses another if the officer reasonably believes that the person has previously been forbidden to do so by a law enforcement officer. It would have repealed the current definition of the crime of harassment, and expanded the definition. The bill would have increased the penalty for harassment from a Class E to a Class D crime. It would have created 2 new subsections under the crime of harassment. The first allows a law enforcement officer to forbid a person from engaging in conduct that is harassment. The 2nd makes it clear that proof of the person's intent may be established by repeatedly following or placing another under surveillance and proof of the person's knowledge may be established by that person having received notice.

See LD 1546.