

# 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&amp;S XXX</i>	<i>Chapter # of enacted Private &amp; 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 &amp; 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.

4693NRG

**LD 1305 An Act Regarding Sentences for Career Criminals**

ONTP

**SPONSOR(S)**  
DIPIETRO

**COMMITTEE REPORT**  
ONTP

**AMENDMENTS ADOPTED**

**SUMMARY**

The bill would have required enhancement of sentencing limits for persons convicted of murder or a Class A, B or C crime if the person has 2 prior convictions of murder or a Class A, B or C crime within 10 years of the instant crime.

**LD 1322 Resolve, to Establish the Commission on the Status of Alleged Child Abusers**

CONF CMTE UNABLE TO AGREE

**SPONSOR(S)**  
MELENDY  
BUSTIN

**COMMITTEE REPORT**  
OTP-AM MAJ  
ONTP MIN

**AMENDMENTS ADOPTED**

**SUMMARY**

The resolve would have established the Commission on the Status of Alleged Child Abusers.

Rereferred to Joint Standing Committee on Audit and Program Review.

**LD 1329 An Act to Deter Deliberate Polluters**

ONTP

**SPONSOR(S)**  
LAWRENCE  
MARSH

**COMMITTEE REPORT**  
ONTP

**AMENDMENTS ADOPTED**

**SUMMARY**

The bill would have clarified the existing criminal provisions of the environmental laws and facilitated the enforcement of those provisions by the State. The bill would have amended the Maine Revised Statutes, Title 38, section 349, subsection 1, by expressly stating the culpable mental state required for proof of an environmental crime. The bill would have raised the class of crime for certain violations of the environmental laws from a Class E crime to a Class C crime. It also would have raised to a Class C crime 2 hazardous waste crimes currently classified as Class D crimes. The bill would have created a new provision intended to deter oil spills such as that which occurred from the Exxon Valdez in Alaska in 1989. Specifically, the bill would have made it a felony to "recklessly" cause a major oil spill, in excess of 100,000 gallons, in Maine waters without a license or permit. This crime would have been classified under the bill as a Class C crime.

The bill would have ensured that even an intentional and knowing violation of a "technical" air or water permit provision will not result in a felony prosecution. Rather, the State would have to prove that any violation of air and water pollution standards is "significant," which is defined as capable of increasing the discharge of pollutants or emission of air contaminants. It would have limited felony prosecution of solid waste violations to the disposal of significant quantities of solid waste, in excess of 500 pounds or 100 cubic feet.

The bill also would have increased the classification of the crime of falsifying environmental records to a felony under certain circumstances. The criminal penalties under this bill would not apply in a situation where a person, acting in good faith, promptly reports the results of an audit or test and