

MAINE STATE LEGISLATURE

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**STATE OF MAINE
118TH LEGISLATURE**

**FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION**

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
CRIMINAL JUSTICE**

JULY 1997

MEMBERS:

*Sen. Robert E. Murray, Jr., Chair
Sen. William B. O'Gara
Sen. Betty Lou Mitchell*

*Rep. Edward J. Povich, Chair
Rep. George H. Bunker, Jr.
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Maine State Legislature

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**ONE HUNDRED EIGHTEENTH LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees
August 1997**

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized alphabetically by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

- CARRIED OVER*.....*Bill carried over to Second Regular Session*
- CON RES XXX*.....*Chapter # of Constitutional Resolution passed by both Houses*
- CONF CMTE UNABLE TO AGREE*.....*Committee of Conference unable to agree; bill died*
- DIED BETWEEN BODIES*.....*House & Senate disagree; bill died*
- DIED IN CONCURRENCE*.....*One body accepts ONTP report; the other indefinitely postpones the bill*
- DIED ON ADJOURNMENT*.....*Action incomplete when session ended; bill died*
- EMERGENCY*.....*Enacted law takes effect sooner than 90 days*
- FAILED EMERGENCY ENACTMENT/FINAL PASSAGE*.....*Emergency bill failed to get 2/3 vote*
- FAILED ENACTMENT/FINAL PASSAGE*.....*Bill failed to get majority vote*
- FAILED MANDATE ENACTMENT*.....*Bill imposing local mandate failed to get 2/3 vote*
- INDEF PP*.....*Bill Indefinitely Postponed*
- ONTP*.....*Ought Not To Pass report accepted*
- OTP ND*.....*Committee report Ought To Pass In New Draft*
- OTP ND/NT*.....*Committee report Ought To Pass In New Draft/New Title*
- P&S XXX*.....*Chapter # of enacted Private & Special Law*
- PUBLIC XXX*.....*Chapter # of enacted Public Law*
- RESOLVE XXX*.....*Chapter # of finally passed Resolve*
- UNSIGNED*.....*Bill held by Governor*
- VETO SUSTAINED*.....*Legislature failed to override Governor's Veto*

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 26, 1997 and September 19, 1997 for the First Special Session.

David E. Boulter, Director

Offices Located in the State House, Rooms 101/107/135

LD 598

An Act to Create the Crime of Sexual Misconduct with a Child under 14 Years of Age

PUBLIC 143

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-156

LD 598 proposed to criminalize the use of any sexually explicit materials to encourage a child under 14 years of age to participate in or submit to a sexual act or sexual contact. This bill was proposed by the Criminal Law Advisory Commission.

Committee Amendment "A" (H-156) proposed to specify that a person could only be guilty of sexual misconduct with a child under 14 years of age if that person were at least 18 years of age. The amendment also proposed to correct a reference and add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 143 establishes the Class D crime of sexual misconduct with a child under 14 years of age. A person is guilty of sexual misconduct with a child under 14 years of age if that person is at least 18 years of age and knowingly displays sexually explicit materials to the child in order to encourage the child to participate in or submit to a sexual act or sexual contact.

LD 608

An Act to Remove the State Prisoner Population Limit for Knox County

PUBLIC 28

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE SKOGLUND	OTP	

LD 608 proposed to remove the population cap of 800 prisoners for state correctional facilities in Knox County.

Enacted law summary

Public Law 1997, chapter 28 removes the population cap of 800 prisoners for state correctional facilities in Knox County.

LD 616

An Act to Provide Protection from Assault for Emergency Medical Care Providers

PUBLIC 470

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL O'GARA	OTP-AM	H-376

LD 616 proposed to provide protection from assault for persons who provide emergency medical care.

Committee Amendment "A" (H-376) proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 470 establishes the Class C crime of assault on an emergency medical care provider. A person is guilty of assault on an emergency medical care provider if that person intentionally, knowingly or recklessly causes bodily injury to an emergency medical care provider while that provider is providing emergency medical care.

LD 635

An Act to Amend the Sexual Abuse of Minors Laws

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AHEARNE	ONTP	

Under current law, a person is guilty of sexual abuse of a minor if, having attained the age of 19, the person engages in a sexual act with another person who is between the ages of 14 and 16, as long as the actor is at least 5 years older than the other person. LD 635 proposed to reduce the age difference between the 2 people from 5 to 4 years.

LD 647

An Act to Create an Elder Abuse and Fraud Unit in the Department of the Attorney General

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY	ONTP MAJ	
PINGREE	OTP MIN	
	OTP-AM MIN	

This bill proposed to establish the Elder Abuse and Fraud Division within the Department of the Attorney General. It would have provided funding for one Assistant Attorney General position and one Special Investigator position to investigate and prosecute elder abuse and fraud.

The bill was referred to the Joint Standing Committee on Appropriations and Financial Affairs, but it is related to LD 1714, An Act to Implement the Recommendations of the Department of Human Services Study Group on Prosecution of Crimes Against the Elderly.

Committee Amendment "A" (H-248) was the minority report of the Joint Standing Committee on Appropriations and Financial Affairs. The amendment would have funded 2 new positions for an Elder Abuse and Fraud Unit in the Department of the Attorney General by eliminating 2 new assistant district attorney positions established in Public Law 1997, chapter 24, Part Y, section 1.

The amendment also proposed to add a fiscal note to the bill.