

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:

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Sen. William B. O'Gara
Sen. Betty Lou Mitchell*

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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

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.

Conference Committee Amendment "A" (H-662) was the unanimous report of the committee of conference. It proposed to amend the bill by establishing the Elder Abuse and Fraud Unit within the Department of the Attorney General with one Special Investigator position.

LD 651 **An Act to Expand the Definition of "Aggravated Criminal Mischief" to Make It a Class C Crime to Damage Property by Fire** **PUBLIC 482**

<u>Sponsor(s)</u> POVICH		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-383
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LD 651 proposed to expand the definition of the crime of aggravated criminal mischief to make it a Class C crime to intentionally, knowingly or recklessly damage or destroy the property of another by fire or explosion, regardless of the value of the property damaged or destroyed.

Committee Amendment "A" (H-383) proposed to change the title and to specify that, in the expanded definition of aggravated criminal mischief, property damaged or destroyed would not include a dwelling or structure. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 482 expands the definition of the crime of aggravated criminal mischief to make it a Class C crime to intentionally, knowingly or recklessly damage or destroy the property of another by fire, if the property damaged or destroyed is neither a dwelling place nor a structure. This expanded definition may be used to prosecute offenders for conduct that is more serious than that warranting prosecution for the Class D crime of criminal mischief, but not serious enough to warrant prosecution for the Class A crime of arson. Public Law 1997, chapter 482 may also be used to prosecute offenders who set fires to wild land in the sparsely populated sections of the State.

LD 652 **An Act to Create a Repeat Offender Provision Addressing Crimes of Violence against People** **ONTP**

<u>Sponsor(s)</u> POVICH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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Current law raises the classification of a Class D crime to a Class C crime if that crime is committed against a member of the actor's family and the actor has 2 or more prior convictions of an offense against a person within the previous 5 years. LD 652 proposed to repeal that provision. LD 652 proposed to enhance the sentencing class for all Class B, C, D and E crimes in chapters 9, 11, 13 and 27 of the Maine Criminal Code, regardless of who the victim was, if the offender, within the prior 10 years, had 2 or more convictions for violation of those same chapters or for essentially similar crimes in other jurisdictions. For a Class A crime in those chapters, this bill would have required that the same prior convictions be given serious consideration by a court in exercising its sentencing discretion. The prior convictions could have occurred on the same date in the same court. The date of the commission of the offense would have been presumed to be the date alleged in the charging instrument.