

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
118TH LEGISLATURE

SECOND REGULAR SESSION  
AND  
SECOND SPECIAL SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
CRIMINAL JUSTICE

MAY 1998

*MEMBERS:*

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

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

**Summary Of Legislation Before The Joint Standing Committees**  
**May 1998**

We are pleased to provide this summary of bills that were considered by the Joint Standing Committees of the Maine Legislature. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. 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 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](http://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:

- 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 Second Regular Session (unless otherwise specified in a particular law) is June 30, 1998 and July 9, 1998 for the Second Special Session. Second Special Session laws include Public Laws beginning with Chapter 718, Private and Special Laws beginning with Chapter 82 and Resolves beginning with Chapter 117.

Public Law 1997, chapter 768 also requires the Department of Corrections to forward to the Department of Public Safety, State Bureau of Identification the following additional information regarding a sex offender who is required to register under the Sex Offender Registration and Notification Act: the offender's risk assessment score, a copy of the risk assessment instrument and applicable contact standards for the offender. The State Bureau of Identification then must forward this information to all required law enforcement agencies who may distribute the information to members of the public who the agencies determine are necessary to ensure public safety.

**LD 2080**                      **An Act to Enhance the Bail Requirements for Persons Charged with Murder**                      **ONTP**

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

LD 2080 proposed to require the Department of Corrections to complete a risk assessment on any defendant charged with murder who seeks preconviction bail, regardless of whether a Harnish bail hearing is held. The bill proposed to require the Department of Corrections to analyze the risk of the defendant's fleeing, posing a threat of harm to others and committing new criminal acts if released on bail. The department would have recommended to the court whether the defendant should be released on preconviction bail. If the court determined that bail should be set, the bill proposed that the Department of Corrections be responsible for monitoring the defendant until the time of trial.

**LD 2084**                      **An Act to Protect Children from Sex Offenders**                      **ONTP**

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

LD 2084 proposed to prohibit a sex offender from residing or loitering within 1,000 feet of a school. This bill was modeled on a Delaware statute.

**LD 2089**                      **An Act to Establish Reasonable Fees for Reports and Other Items From the Office of Chief Medical Examiner**                      **PUBLIC 598**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY MURRAY	OTP-AM	H-825

LD 2089 proposed to set up a fee schedule for the Office of Chief Medical Examiner providing report documents, histological slides and other items or services relating to any medical examiner case to persons entitled to them. The bill proposed to define "report documents", identify who is to be charged and permit the Chief Medical Examiner to waive the fee under certain circumstances. Finally, this bill proposed to direct that all fees collected by the Office of Chief Medical Examiner be deposited in the General Fund as undedicated revenue.

**Committee Amendment "A" (H-825)** proposed that all fees collected by the Chief Medical Examiner be deposited in a dedicated account within the Office of Chief Medical Examiner. The amendment proposed to require the State Controller to transfer balances in excess of \$500 to the General Fund at the end of each fiscal year.

The amendment also proposed to add an allocation section and a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 598 creates a fee schedule for reports, histological slides and other services provided by the Office of the Chief Medical Examiner. Government agencies, health care providers who cared for the deceased, and next of kin are exempt from paying the fees. All fees collected must be deposited in a dedicated account within the Office of Chief Medical Examiner.

**LD 2182                      An Act to Create the Crime of Insurance Fraud and Require                      PUBLIC 779**  
**Reporting of Convictions to Licensing Authorities**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM      MAJ	H-923
	ONTP        MIN	

LD 2182 proposed to implement a recommendation of the Commission to Study Insurance Fraud, as established in Resolve 1997, chapter 77, and create the crime of insurance fraud. The bill also proposed to require that the court notify the appropriate licensing authority of a conviction for insurance fraud against a person licensed or registered under the laws of this State.

**Committee Amendment "A" (H-923 )** replaced the bill and was the majority report of the Joint Standing Committee on Criminal Justice.

The amendment proposed to create a new crime of insurance deception within the Maine Criminal Code chapter on theft and a new crime of deceptive insurance practices within the Maine Criminal Code chapter on fraud.

The amendment proposed that the new crime of insurance deception apply to a person who intentionally makes a misrepresentation or written false statement relating to a material fact to any person engaged in the business of insurance concerning the following specific matters: an application for or renewal of an insurance policy, the rating of an insurance policy, payments made in accordance with an insurance policy, a claim for payment or benefit pursuant to an insurance policy or premiums paid on an insurance policy. These would have been crimes only if the person who made the representation or statement did not believe it to be true. The fact that the deception related to a matter of no pecuniary significance or that the person deceived acted unreasonably in relying on the deception would not have been a defense. The amendment proposed that the class of crime is based on the value of the property that is the subject of the deception.

The amendment proposed that the new crime of deceptive insurance practices apply to a person engaging in the business of insurance and that there are two categories of this crime. First, the amendment proposed that it is a Class D crime if the person intentionally makes a false statement with respect to material fact concerning, or materially alters, any of the following: certain documents filed with the Superintendent of Insurance or similar insurance regulatory agency; a document submitted by an insured, claimant or applicant to an insurer, insurance producer or other person; or a document or report filed with a law enforcement agency. Second, the amendment