

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

FIRST REGULAR SESSION

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

JULY 1999

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Sen. Paul T. Davis*

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ONE HUNDRED NINETEENTH LEGISLATURE
FIRST REGULAR SESSION

Summary Of Legislation Before The Joint Standing and Select Committees
August 1999

We are pleased to provide this summary of all bills that were considered by the Joint Standing and Select Committees of the Maine Legislature this past session. 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 and select committees.

The document is organized for convenient reference to information on bills considered by the 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).

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
ENACTMENT FAILED..... Bill failed to get vote required for enactment or final passage
NOT PROPERLY BEFORE THE BODY..... Ruled out of order by the presiding officers; bill died
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 September 18, 1999.

Joint Standing Committee on Criminal Justice

LD 48

An Act to Amend the Definition of "Traffick" in the Drug Laws

ONTP

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

LD 48 proposed to amend the Maine Criminal Code by excluding the activity of growing or cultivating marijuana from the definition of "traffick." LD 2012, An Act to More Accurately Describe the Criminal Conduct Committed When a Person Grows or Cultivates Marijuana, Public Law 1999, chapter 374 incorporates LD 48.

LD 49

An Act to Amend the Drug Laws Related to Possession of a Firearm

PUBLIC 342

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENOIT	OTP-AM	S-278

LD 49 proposed to amend the criminal code by excluding the mere possession of a firearm as an aggravating factor in an offense of trafficking or furnishing scheduled drugs. This bill proposed to require that the firearm be somehow directly related to the criminal activity; the defendant must have used, carried or been armed with a firearm while engaged in trafficking or furnishing a scheduled drug in order for the offense to be elevated to the aggravated category. This change to the criminal code would make Maine law consistent with federal law, 18 United States Code, Section 924 (1976), which aggravates drug offenses whenever a defendant "uses or carries" a firearm, but not when a firearm is merely somewhere on the premises when a drug offense occurs.

Committee Amendment "A" (S-278) proposed to specify that for possession of a firearm to be an aggravating factor in an offense of trafficking or furnishing scheduled drugs, a person must possess the firearm in furtherance of the offense. This is consistent with 18 United States Code, Section 924(c)(1)(A). The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 342 amends the criminal code by specifying that for possession of a firearm to be an aggravating factor in an offense of trafficking or furnishing scheduled drugs, a person must possess the firearm in furtherance of the offense. This is consistent with 18 United States Code, Section 924(c)(1)(A).

Note: LD 2255, An Act to Make Corrections to Laws Recently Enacted by the 119th Legislature, Public Law 1999, chapter 531 corrects conflicts that were created when P. L. 1999, c. 342 and other drug laws were enacted simultaneously.

LD 65

An Act to Increase the Length of Probation for Domestic Violence from one Year to 2 Years

**DIED IN
CONCURRENCE**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TOBIN J	ONTP MAJ	
DAVIS P	OTP-AM MIN	

LD 65 proposed to increase the period of probation for domestic abuse from one year to 2 years.

Committee Amendment "A" (H-429) was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to add an appropriation and a fiscal note to the bill. This amendment was not adopted.

LD 78 **Resolve, Establishing the Replacement Simultaneously of State Correctional Facilities in Cumberland and Washington Counties as the First Priority If Additional General Obligation Bond Issues or Lease Appropriation Bonds are Authorized by the Legislature** **RESOLVE 17**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAGLEY	OTP-AM	H-150
CASSIDY		

LD 78 proposed to authorize the Maine Governmental Facilities Authority to issue securities in an amount up to \$17,400,000 for construction of a replacement for the Downeast Correctional Facility in Washington County.

Committee Amendment "A" (H-150) proposed to retitle and replace the bill with a resolve that sets the replacement simultaneously of new state correctional facilities in Cumberland and Washington counties as the first priority of the State, if any new general obligation bonds or lease appropriation bonds are authorized. For purposes of this resolve, new state correctional facilities mean those for which bonds may be issued following the issuance of bonds for correctional facilities construction projects located in Warren and Windham, pursuant to Public Law 1997, chapter 752.

Enacted law summary

Resolve 1999, chapter 17 authorizes the Maine Governmental Facilities Authority to issue securities in an amount up to \$17,400,000 for construction of a replacement for the Downeast Correctional Facility in Washington County. For purposes of this resolve, new state correctional facilities mean those for which bonds may be issued following the issuance of bonds for correctional facilities construction projects located in Warren and Windham, pursuant to Public Law 1997, chapter 752.

LD 82 **An Act to Amend the Laws Prohibiting Terrorizing** **PUBLIC 433**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN L	OTP-AM	H-20

LD 82

Current law includes in the crime of criminal terrorizing a threat of violence whose natural and probable consequence is to cause the evacuation of a building, place of assembly or facility of public transport. LD 82 proposed to expand the