

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

MEMBERS:

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Sen. William B. O'Gara
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.

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

LD 211 proposed to make the transmission of HIV a crime. As proposed, a person who knows or has reason to believe that the person is infected with HIV commits a Class A crime if that person transmits HIV to another person intentionally, knowingly, recklessly or with criminal negligence.

Committee Amendment "A" (H-81) was the minority report of the Joint Standing Committee on Criminal Justice and proposed to add a fiscal note to the bill. This amendment was not adopted.

LD 224 **An Act to Prohibit the Misuse of Identification** **PUBLIC 190**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERDIERE MILLS	OTP-AM	H-183 H-315 POVICH

LD 224 proposed to create the Class D crime of misuse of legal identification. As proposed, the crime is committed if a person intentionally or knowingly presents or uses a form of legal identification that is stolen or forged.

The bill proposed that a person who has suffered economic loss as the result of this crime may receive restitution from the offender under current provisions of the Maine Criminal Code. The bill also proposed to make it a defense to a civil action seeking monetary damages that the action is based on the misuse of a legal identification for which another person has been convicted.

Committee Amendment "A" (H-183) proposed to replace the bill. The amendment proposed to repeal current law regarding misuse of credit identification and enact a broader Class D crime regarding misuse of identification. Specifically, the amendment proposed to criminalize misuse of credit identification and debit cards and add a provision that criminalizes any use of a form of legal identification that a person is not authorized to use. The amendment also proposed to make it a defense to a civil action seeking monetary damages that the action is based on the misuse of a form of legal identification for which another person has been convicted. The amendment also proposed to add a fiscal note.

House Amendment "A" to Committee Amendment "A" (H-315) proposed to clarify that the defense to a civil action for damages arising from the misuse of identification may be raised only by the person whose identification was misused.

Enacted law summary

Public Law 1999, chapter 190 repeals current law regarding misuse of credit identification and enacts a broader law regarding misuse of identification. A person is guilty of committing the new Class D crime if the person misuses credit identification, debit cards and any other form of legal identification that a person is not authorized to use. Public Law 1999, chapter 190 also makes it a defense to a civil action for the person whose identification was misused that the action is based on the misuse of a form of legal identification for which another person has been convicted.

LD 244 **An Act to Permit the Release and Publication of the Name of a Juvenile** **ONTP**
14 Years of Age or Older Who Commits a Crime

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

LD 244 proposed to allow the name of a juvenile charged with a crime and the juvenile crime or crimes committed to be revealed if the juvenile was at least 14 years of age at the time of the offense.

LD 258 **An Act to Make Purposeful Misrepresentation and Stolen Identity of Another Person a Class C Crime** **ONTP**

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

LD 258 proposed to create the Class C crime of misuse of legal identification. As proposed, the crime is committed if a person intentionally or knowingly presents or uses a form of legal identification that is stolen or forged. LD 224, An Act to Prohibit the Taking of Another Person’s Legal Identification, Public Law 1999, chapter 190 incorporates concepts from LD 258.

LD 266 **An Act to Require Records Checks for Persons Providing Direct Care to Clients of the Department of Mental Health, Mental Retardation and Substance Abuse Services** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHEELER G LAWRENCE		

LD 266 proposes to require criminal history record checks for direct care employees and prospective employees of the Department of Mental Health, Mental Retardation and Substance Abuse Services and facilities and entities providing services to clients of the department. The bill proposes to provide for the confidentiality of criminal history record information and access and review for the person whose record is checked. The bill also proposes to require rulemaking as necessary to implement the new provision.

This bill has been carried over to the Second Regular Session.

LD 268 **An Act to Prohibit the Misuse of Laser Pointers** **PUBLIC 163
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
USHER O’GARA	OTP-AM	H-300

LD 268 proposed to make it a Class D crime for a person not authorized by law to intentionally point a laser device at another person. This prohibition of the use of laser devices is similar to provisions in current law pertaining to the use of disabling chemicals such as mace and pepper spray. The bill was proposed as emergency legislation due to the health dangers and safety risks posed by the misdirecting of laser devices at people.