

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. 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.

Committee Amendment "A" (H-300) proposed to replace the bill. The amendment proposed to redefine the offense "criminal use of a laser pointer." As proposed, a person is guilty of criminal use of a laser pointer if:

1. The person intentionally, knowingly or recklessly points a laser pointer at another person, while the laser pointer is emitting a laser beam, and causes bodily injury to that other person;
2. That other person is a law enforcement officer in uniform; or
3. The person causes a reasonable person to suffer intimidation, annoyance or alarm.

The amendment proposed to specify that it is a defense to a prosecution under this section that at the time of the laser pointer's use the person who intentionally, knowingly or recklessly pointed a laser pointer at another person was justified in threatening or using physical force upon the other person. The amendment also proposed to allow the State to confiscate laser pointers. The amendment also adds a fiscal note.

Enacted law summary

Public Law 1999, chapter 163 creates the crime of criminal use of laser pointers. A person is guilty of criminal use of a laser pointer if:

1. The person intentionally, knowingly or recklessly points a laser pointer at another person, while the laser pointer is emitting a laser beam, and causes bodily injury to that other person;
2. That other person is a law enforcement officer in uniform; or
3. The person causes a reasonable person to suffer intimidation, annoyance or alarm.

Violation of 1 or 2 above is a Class D crime and violation of 3 is a Class E crime.

Public Law 1999, chapter 163 also specifies that is a defense to a prosecution that at the time of the laser pointer's use the person who pointed a laser pointer at another person was justified in threatening or using physical force upon the other person. Public Law 1999, chapter 163 further allows the State to confiscate laser pointers that constitute the basis for conviction.

Public Law 1999, chapter 163 was enacted as an emergency measure effective May 13, 1999.

LD 272

**Resolve, Establishing the Commission to Study High-speed Chases and
Emergency Responses**

INDEF PP

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

LD 272 proposed to establish the Commission to Study High-speed Chases. As proposed, the commission would have consisted of the following 11 members: 2 Legislators, 2 members of the public and 7 law enforcement officials.

The bill proposed to require that the commission study current law enforcement policies governing the use of high-speed chases, the history of high-speed chases in Maine and other states' use of high-speed chases. The bill proposed to require that the commission report its findings to the Joint Standing Committee on Criminal Justice by December 1, 1999. The bill further proposed that the Joint Standing Committee on Criminal Justice may submit legislation in the Second Regular Session of the 119th Legislature to implement the commission's recommendations.

Committee Amendment "A" (H-63) proposed to rename the resolve and make changes to incorporate into the scope of the study commission review of emergency responses as well as high-speed chases by law enforcement officers. The amendment proposed to expand membership of the commission to 13 members. The amendment also proposed to remove the Department of Public Safety from staffing duties and provide that, upon approval from the Legislative Council, the Office of Policy and Legal Analysis provide staffing resources to the commission. The amendment also proposed to add an appropriation and a fiscal note to the resolve.

LD 300 An Act to Require Life Imprisonment for Habitual Violent Offenders ONTP

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

LD 300 proposed to define "habitual violent offender" as a person who has 3 convictions for certain violent offenses including murder, felony murder, manslaughter, aggravated assault, elevated aggravated assault, gross sexual assault, sexual abuse of a minor, unlawful sexual contact, sexual exploitation of a minor, kidnapping, criminal restraint, burglary, robbery, arson, any other offense involving the actual or threatened use of a deadly weapon or dangerous instrument or the intentional or knowing infliction of serious physical harm upon another person. As proposed, a habitual violent offender must be sentenced to mandatory life imprisonment without probation or any other form of release from confinement.

LD 307 An Act to Establish the Crime of Aggravated Criminal Trespass PUBLIC 434

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY	OTP-AM	S-9

LD 307 proposed to create the Class C crime of aggravated criminal trespass. As proposed, a person is guilty of aggravated criminal trespass if, knowing that that person is not licensed or privileged to do so, that person enters any dwelling place between the hours of sunset and sunrise and, at the time of the offense, has a prior conviction for burglary or criminal trespass.

Committee Amendment "A" (S-9) proposed to replace the bill and create 2 Class C crimes of aggravated criminal trespass. The amendment proposed to increase the penalty when a person commits a violent offense or sexual assault in the course of a trespass in a dwelling place. The amendment also proposed to increase the penalty when the offender has repeatedly engaged in similar conduct in the past. This repeat offender provision is similar to those for repeat violent offenders and repeat theft offenders.

The amendment also proposed to add a fiscal note.

Enacted law summary

Public Law 1999, chapter 434 creates 2 Class C crimes of aggravated criminal trespass. Public Law 1999, chapter 434 increases the penalty when a person commits a violent offense or sexual assault in the course of a trespass in a dwelling place and increases the penalty when the offender has repeatedly engaged in similar conduct in the past.