

# MAINE STATE LEGISLATURE

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*State Of Maine  
121st Legislature*

*First Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Criminal Justice and Public Safety*

*July 2003*

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# Maine State Legislature



## Office Of Policy And Legal Analysis Office Of Fiscal And Program Review

### 121st Maine Legislature First Regular Session

#### Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint 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 committees.

The document is organized for convenient reference to information on bills considered by the committees. It is arranged alphabetically by committee name 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:

<i>CARRIED OVER PURSUANT TO HP 1212</i> .....	<i>Bills carried over to the 2<sup>nd</sup> Regular Session</i>
<i>CON RES XXX</i> .....	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i> .....	<i>House &amp; Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i> .....	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i> .....	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i> .....	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i> .....	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i> .....	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i> .....	<i>Ought Not To Pass report accepted</i>
<i>OTP-ND</i> .....	<i>Committee report Ought To Pass In New Draft</i>
<i>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PASSED</i> .....	<i>Joint Order passed in both bodies</i>
<i>PUBLIC XXX</i> .....	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i> .....	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i> .....	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's Veto</i>

Please note that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

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## *Joint Standing Committee on Criminal Justice and Public Safety*

have known that the driver of that motor vehicle was under the influence of intoxicating liquor or drugs, took no action to prevent the driver from operating that motor vehicle and that motor vehicle was involved in an accident that causes serious bodily injury or death. The bill proposed to limit this new crime to persons 18 years of age or older.

**LD 705**                      **Resolve, To Streamline and Encourage Use of the Suspension Process to Combat Reckless Driving**                      **RESOLVE 33**

<u>Sponsor(s)</u> BENNETT R		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-110
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LD 705 proposed to provide that the driver's license of a person cited twice for driving to endanger within a year would be immediately suspended pending final disposition by the court.

**Committee Amendment "A" (S-110)** proposed to replace the bill with a resolve. The resolve proposed to direct the Secretary of State to develop a form for use by law enforcement officers to transmit adverse reports, which enable the Secretary of State to suspend licenses for reckless driving pursuant to the Maine Revised Statutes, Title 29-A, section 2458. The resolve also proposed to direct the Maine Criminal Justice Academy and law enforcement agencies to make officers aware and encourage use of the form.

### *Enacted Law Summary*

Resolve 2003, chapter 33 directs the Secretary of State to develop a form for use by law enforcement officers to transmit adverse reports, which enables the Secretary of State to suspend licenses for reckless driving pursuant to Title 29-A, section 2458. The resolve also directs the Maine Criminal Justice Academy and law enforcement agencies to make officers aware and encourage use of the form.

**LD 722**                      **An Act to Protect Against Unlawful Sexual Touching**                      **PUBLIC 138**

<u>Sponsor(s)</u> SMITH N		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-155 H-257 SMITH N
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LD 722 proposed to criminalize intentional sexual contact with a person who is either 14 or 15 years of age and is not the actor's spouse when the actor is at least 10 years older than the other person. The bill proposed that this form of sexual abuse of a minor is a Class D crime. The bill proposed that it would be a defense to a prosecution for the new crime that the actor reasonably believed the other person to be at least 16 years of age.

**Committee Amendment "A" (H-155)** proposed to change the title of the bill and create the new crime of unlawful sexual touching. The amendment proposed that "sexual touching" means any touching of the breasts, buttocks, groin or inner thigh, directly or through clothing, for the purpose of arousing or gratifying sexual desire or for the purpose of causing bodily injury or offensive physical contact. The crime of unlawful sexual touching was modeled after the current crime of unlawful sexual contact. The amendment also proposed to add a fiscal note.

## Joint Standing Committee on Criminal Justice and Public Safety

**House Amendment "A" to Committee Amendment "A" (H-257)** proposed to change the title of Committee Amendment "A" and to remove from the definition of "sexual touching" touching for the purpose of causing offensive physical contact. The amendment also proposed to add a fiscal note.

### *Enacted Law Summary*

Public Law 2003, chapter 138 criminalizes intentional sexual contact with a person who is either 14 or 15 years of age who is not the actor's spouse when the actor is at least 10 years older than the other person. This form of sexual abuse of a minor is a Class D crime. It is a defense to a prosecution for the new crime that the actor reasonably believed the other person to be at least 16 years of age.

Public Law 2003, chapter 138 also creates the new crime of unlawful sexual touching. "Sexual touching" means any touching of the breasts, buttocks, groin or inner thigh, directly or through clothing, for the purpose of arousing or gratifying sexual desire. The crime of unlawful sexual touching is modeled after the current crime of unlawful sexual contact.

**LD 728**

**An Act To Repeal the Crime of Plundering at Fires as Larceny**

**PUBLIC 24**

Sponsor(s)  
MILLS J

Committee Report  
OTP

Amendments Adopted

LD 728 proposed to repeal the crime of "plundering at fires," which is larceny that occurs when a person "takes, carries away or conceals any property not his own, at a fire, or exposed by reason thereof, and does not give notice of it to the owner or one of the fire wards." This crime may be prosecuted under the Maine Criminal Code as theft.

### *Enacted Law Summary*

Public Law 2003, chapter 24 repeals the crime of "plundering at fires," which is larceny that occurs when a person "takes, carries away or conceals any property not his own, at a fire, or exposed by reason thereof, and does not give notice of it to the owner or one of the fire wards." This crime may be prosecuted under the Maine Criminal Code as theft.

**LD 729**

**An Act To Clarify the Standard for Review of Preconviction Bail**

**PUBLIC 66**

Sponsor(s)  
MILLS P

Committee Report  
OTP-AM

Amendments Adopted  
H-71

LD 729 proposed to clarify that a Superior Court Justice petitioned to review a District Court Judge's or bail commissioner's determination of bail has the authority to reduce bail to personal recognizance, increase or lower bail to a different amount, eliminate bail conditions or impose new bail conditions.

**Committee Amendment "A" (H-71)** proposed to replace the bill. The amendment proposed to clarify the process for review of preconviction bail by clearly stating that, upon receiving a petition for review of preconviction bail from a defendant who was in custody as a result of a decision of a District Court Judge or a