

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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Sen. Pamela Hatch
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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).

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 2nd 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 & 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&S XXX</i>	<i>Chapter # of enacted Private & 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.

David C. Elliott, Director
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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

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bail commissioner or a defendant who is not in custody but who was aggrieved by a decision of a District Court Judge or a bail commissioner, a Superior Court Justice would have to make an entirely new or de novo determination of bail. The bill proposed that the Superior Court could not increase or decrease or otherwise modify the bail that was set but instead would hear argument and make an entirely new bail determination. This determination could include bail in any manner authorized by Title 15, section 1026; therefore, the Superior Court's de novo determination of bail could be the same, could be higher or lower or could have different conditions than the bail previously set.

Enacted Law Summary

Public Law 2003, chapter 66 clarifies the process for review of preconviction bail by clearly stating that, upon receiving a petition for review of preconviction bail from a defendant who is in custody as a result of a decision of a District Court Judge or a bail commissioner or a defendant who is not in custody but who is aggrieved by a decision of a District Court Judge or a bail commissioner, a Superior Court Justice shall make an entirely new or de novo determination of bail. The Superior Court does not increase or decrease or otherwise modify the bail that is set but instead hears argument and makes an entirely new bail determination. This determination may include bail in any manner authorized by Title 15, section 1026; therefore, the Superior Court's de novo determination of bail may be the same, may be higher or lower or may have different conditions than the bail previously set.

LD 747 **An Act to Provide Funding for the Maine Computer Crimes Program** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARR DAVIS P	ONTP	

LD 747 proposed to appropriate additional funding for the Maine Computer Crimes program.

LD 758 **Resolve, Directing the Department of Public Safety, Bureau of State Police to Provide On-line Access to Sex Offender and Sexually Violent Predator Registration Information** **ONTP**

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

LD 758 proposed to direct the Department of Public Safety, Bureau of State Police to develop and implement a plan to provide public on-line access to sex offender and sexually violent predator registration information. The bill proposed that the Department of Public Safety, Bureau of State Police present a report, including its on-line public access plan, what information may be accessed and a schedule for implementation of the plan, to the Joint Standing Committee on Criminal Justice and Public Safety by May 1, 2003.