

# 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.

**David C. Elliott, Director**  
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*Joint Standing Committee on Criminal Justice and Public Safety*

**LD 922**

**An Act To Clarify the Bind-over Provisions of the Maine Juvenile Code**

**ONTP**

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

LD 922 proposed to direct the Juvenile Court to bind a juvenile over to the Superior Court if the court found that there were probable cause to believe the juvenile committed a crime that would constitute murder or a Class A, B or C crime if the juvenile were an adult and if it were appropriate to prosecute the juvenile as if the juvenile were an adult. This bill proposed that the presence of only one of these 2 factors would be sufficient to bind a juvenile over to Superior Court.

**LD 941**

**An Act To Strengthen the Criminal Laws by Expanding the Definition of Trafficking and Furnishing Prescription Narcotic Drugs To Include Illegal Possession of a Large Number of Pills**

**DIED BETWEEN BODIES**

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

LD 941 proposed to make the treatment of illegally possessed prescription narcotic pills consistent with the treatment of heroin under the Maine Criminal Code. The bill proposed to expand the definition of "trafficking" to include the possession of 90 or more pills or other units of narcotic prescription drugs with no further proof of intent needed to prove trafficking.

The bill also proposed to amend the definition of "furnishing" to include the possession of at least 45 but fewer than 90 pills or other units of narcotic prescription drugs with no further proof of intent required to prove furnishing.

The bill did not propose to change current law that provides that possession of any amount of narcotic prescription pills with the intent to traffic is a violation of Title 17-A, section 1101, subsection 17, paragraph C ("trafficking"), and possession of any amount of narcotic prescription pills with the intent to furnish is a violation of Title 17-A, section 1101, subsection 18, paragraph A ("furnishing").

**Committee Amendment "A" (H-212)** was the majority report of the committee. The amendment proposed to clarify that the bill addressed the "unlawful" possession of drugs and proposed to add a fiscal note. This amendment was not adopted.

**House Amendment "A" (H-291)** proposed to establish as a Class C crime the unlawful possession of pills or units that in the aggregate contain not less than 400 milligrams of oxycodone or not less than 50 milligrams of hydromorphone or units. The amendment also proposed to add a fiscal note. This amendment was not adopted.