

MAINE STATE LEGISLATURE

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STATE OF MAINE
116TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
LEGAL AFFAIRS

MAY 1994

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**ONE HUNDRED AND SIXTEENTH LEGISLATURE
SECOND REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

MAY 1994

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. All adopted amendments are listed, by paper number, together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

PUBLIC XXX

P&S XXX

RESOLVE XXX

CON RES XXX

EMERGENCY

ONTP

INDEF PP

FAILED ENACTMENT

FAILED EMERGENCY ENACTMENT

FAILED MANDATE ENACTMENT

DIED BETWEEN BODIES

CONF CMTE UNABLE TO AGREE

VETO SUSTAINED

UNSIGNED

DIED ON ADJOURNMENT

Chapter # of enacted Public Law

Chapter # of enacted Private & Special Law

Chapter # of enacted Resolve

Chapter # of Constitutional Resolution passed by both Houses

Enacted law takes effect sooner than 90 days

Ought Not to Pass report accepted

Bill Indefinitely Postponed

Bill failed to get majority vote

Emergency bill failed to get 2/3 vote

Bill imposing local mandate failed to get 2/3 vote

House & Senate disagree; bill died

Committee of Conference unable to agree; bill died

Legislature failed to override Governor's Veto

Not signed by Governor within 10 days

Action incomplete when session ended; bill died

These summaries were prepared by the analyst or analysts assigned to the committee. If you have any suggestions or comments on the summaries, please let us know.

5581LHS

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
LARRIVEE	ONTP OTP-AM	MAJ MIN H-830

SUMMARY

Public Law 1993, chapter 473 revised the election laws to establish additional and more severe penalties for certain violations. The purpose of this bill was to amend the penalties for violation of election laws to ensure that they were both adequate and consistent with the context of the rest of state law, including the Maine Criminal Code.

The bill would have amended the general penalty section of the Maine Revised Statutes, Title 21-A. Public Law 1993, chapter 473 made it a Class D crime for a public official to knowingly fail or refuse to perform a duty required of that public official under the election laws. Prior to chapter 473, the crime was a Class E crime. The bill would have repealed the Class D paragraph and restated the crime as a Class E crime. This is consistent with the crime of "official oppression," of which this crime is a subset.

The bill would have addressed the question of the severity of the penalty for adding or removing names on a voting list or general register without the right to do so. Chapter 473 changed this crime from a Class E crime to a Class C crime. This bill would have added the specific intent of doing so to affect another person's eligibility to vote. It also would have reduced the crime to a Class D crime.

The bill would have addressed the concern that causing a delay in registration, enrollment or delivery of absentee ballots or absentee ballot applications is a crime if done with the intent to prevent a person from voting or to render that person's vote ineffective. Chapter 473 made that activity a Class C crime. This bill would have reduced it to a Class D crime.

The bill would have inserted the element of intent in the provision prohibiting the use of cellular phones and similar devices within voting places. Chapter 473 made it a Class E crime to use such devices within the voting place. This bill would have required that the devices be used with the intent of affecting the outcome of any election for it to be a crime.

The bill would have reclassified impermissible candidate involvement in the absentee ballot process from a Class C crime, as enacted by chapter 473, to a Class D crime. This was to recognize that no criminal intent is specified, making the activity a strict liability crime. Strict liability crimes may be appropriate when the purpose is to avoid even the appearance of impropriety, as was the purpose here.

The bill would have clarified that the penalty specified for forging another's name on an absentee ballot, return envelope or absentee ballot application is a Class C crime, despite the overlap with the aggravated forgery statute in the Maine Criminal Code, Title 17-A, section 702. Aggravated forgery is a Class B crime.

The bill would have amended the law regarding tampering or damaging voting devices, ballot cards or other records or equipment. Chapter 473 raised the class from a Class D to a Class C crime. This bill would have retained that classification, but inserted the specific intent of engaging in those activities with the intent to change the outcome of any election. Any damage done without that intent can be classified as "criminal mischief" (Title 17-A, section 806) or "aggravated criminal mischief" (Title 17-A, section 805). It also would have corrected language with regard to damaging, as opposed to "injuring," inanimate objects and removed the term "willfully" because the added intent provides the requisite criminal intent for a Class C crime. The bill also would have removed the provision regarding attempt to commit this

crime. The Maine Criminal Code, Title 17-A, section 152, addresses "attempt" generally, and classifies it as one class less than the classification of the offense attempted. By removing "attempt," Title 21-A, section 860 would have been made consistent with the Maine Criminal Code with regard to attempted crimes.

COMMITTEE AMENDMENT "A" (H-830) would have clarified that unless otherwise specified, the penalties established in the Maine Revised Statutes, Title 21-A for violations of the election laws also would have applied to violations of the municipal election laws in Title 30-A.

LD 1790 An Act to Remove the Distance Requirement Relating to Replacement Agency Stores ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
BENNETT	ONTP	

SUMMARY

This bill would have removed the distance requirement for replacement of a state or agency liquor store.

LD 1798 An Act to Clarify the Laws Relating to Permits to Carry Concealed Firearms PUBLIC 524 EMERGENCY

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
DAGGETT	OTP-AM	H-755

SUMMARY

The bill makes changes to the laws relating to concealed firearms permits by correcting cross-references, defining the terms "issuing authority" and "bodily injury," adding questions to the application pertaining to the good moral character of an applicant and making gender-specific changes.

COMMITTEE AMENDMENT "A" (H-755) changes references to the term "weapons" in the bill to the term "firearms," which is consistent with current law. The amendment also adds a fiscal note to the bill.

LD 1805 An Act to Make Certain Revisions to the Maine Emergency Medical Services Act of 1982 PUBLIC 575

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
MARDEN	OTP-AM	H-821 DAGGETT S-420

SUMMARY

This bill removes the requirement that the Department of the Attorney General be involved in licensure and disciplinary actions involving emergency medical personnel. Under this bill, Maine Emergency Medical Services' Board staff will be able to file complaints regarding license suspension or revocation with the Administrative Court.

The bill also provides that a conviction for a crime based on a sexual assault or on misuse or illegal use or sale of drugs or narcotics is a basis for licensure disqualification for emergency medical personnel.