

MAINE STATE LEGISLATURE

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STATE OF MAINE
117TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
CRIMINAL JUSTICE

AUGUST 1995

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**ONE HUNDRED AND SEVENTEENTH LEGISLATURE
FIRST REGULAR SESSION**

**SUMMARY OF LEGISLATION BEFORE
THE JOINT STANDING COMMITTEES**

AUGUST 1995

This document is a compilation of the bill summaries prepared by this office for the Joint Standing 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 publication, History and Final Disposition of Legislative Documents, is helpful in determining to which committee any particular bill was referred.

In this document, 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 categories of final action are abbreviated as follows:

<i>CARRIED OVER</i>	<i>Bill carried over to Second 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 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</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT</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>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not to Pass report accepted</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of enacted Resolve</i>
<i>UNSIGNED</i>	<i>Not signed by Governor within 10 days</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

These summaries were prepared by the analyst or analysts assigned to the committee. If more detailed information is needed on a bill, contact the committee analyst.

5581LHS

COMMITTEE AMENDMENT "A" (H-48) would have added an allocation section and a fiscal note to the bill.

LD 112 An Act to Require that Notification be Distributed Prior to the Release of a Convicted Child Molester ONTP

SPONSOR(S) **COMMITTEE REPORT** **AMENDMENTS ADOPTED**
JOY ONTP

SUMMARY

This bill would have required notification to persons residing in a neighborhood where a discharged sex offender, whose victim was less than 16 years of age, intended to reside. Notification would have had to include a picture of the sex offender.

The issue of public notification of sex offenders released from jail has been carried over into the 2nd Regular Session. LD 1510, "An Act to Make Comprehensive Changes to the Sex Offender Laws," will be used to incorporate all potential changes.

LD 117 An Act to Require Mandatory HIV Testing for Assailants of Law Enforcement Officers ONTP

SPONSOR(S) **COMMITTEE REPORT** **AMENDMENTS ADOPTED**
CLUKEY ONTP

SUMMARY

This bill would have created a court procedure through which a law enforcement officer who had been exposed to the blood or body fluids of a person in custody could have sought to have that person submit to HIV testing.

If a law enforcement officer were exposed to the blood or body fluids of a person in the law enforcement officer's custody, or of a person the law enforcement officer was taking into custody or attempting to take into custody, and the person in custody refused to voluntarily consent to testing, the law enforcement officer could have petitioned the court to have the court order the person in custody to submit to HIV testing.

The law enforcement officer would not have been able to petition the court unless the following conditions were met:

1. The law enforcement officer obtained an HIV test immediately following that exposure;
2. The exposure as alleged created a significant risk of HIV infection as defined by the rules of the Department of Human Services;
3. Written consent from the person in custody was properly sought; and
4. Written informed consent was not given by the person in custody.

The court would have had to then hold a hearing, and if it determined that the conditions were met, the court would have had discretion to order the person in custody to submit to HIV testing. The results would have then been given to the law enforcement officer. Pretest and post-test counseling would have been required for the law enforcement officer; counseling for the person in custody would also have had to be offered.

COMMITTEE AMENDMENT "A" (S-269) to LD 321, "An Act to Implement the Recommendations of the Maine HIV Advisory Committee" adopted by the Joint Standing Committee on Human Resources established HIV testing procedures for all persons, including law enforcement officers, who experience a bona fide occupational exposure to potentially infectious blood or other body fluids while performing duties in the course of that person's employment.

LD 162 An Act to Remove the Department of Corrections as the ONTP
Inspecting Authority of County Jails

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
FERGUSON	ONTP	

SUMMARY

Currently, the Commissioner of Corrections is required to set standards for county jails and to inspect jails against these standards. This bill would have given the responsibility for inspecting the jails to the commissioners of the county in which the jail is located.

LD 171 An Act to Increase the Penalty for Child Sexual Abuse ONTP
Committed within 1,000 Feet of a School

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
KILKELLY	ONTP MAJ	
	OTP-AM MIN	

SUMMARY

This bill would have increased the penalty for child sexual abuse committed within 1,000 feet of a school by making it aggravated sexual abuse of a minor and a Class C crime.

COMMITTEE AMENDMENT "A" (H-171) to the bill would have added a fiscal note and was the minority report.

LD 179 An Act to Prohibit Visual Sexual Aggression Against a Child PUBLIC 72
and Private Indecency

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
REED W	OTP-AM	H-95

SUMMARY

Under the current public indecency statute, the exposure by a person of the person's genitals to another person in the same private place is not illegal, even if the actor knows that the act will cause affront or alarm. This bill amends the current law to prohibit that act, if the actor knows that the act will cause affront or alarm to another person located in the same private place.

COMMITTEE AMENDMENT "A" (H-95) replaces the original bill. This amendment creates a new sex offense prohibiting exposure of the genitals by an adult to a child and exposure of the genitals by a child to an adult when such exposure is caused by the adult for the purpose of arousing or gratifying sexual desire or for the purpose of causing affront or alarm.

This amendment changes the name of public indecency to indecent conduct. Under the current public indecency law, exposure by a person of the person's genitals to another person in the same private place is not illegal, even if the actor knows that the act will cause affront or alarm. The current law is amended to prohibit that act, if the actor knows that the act will cause affront or alarm to another person located in the same private place, unless the other person previously lived or currently is living