

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" (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

in the same household as the actor. The "same household" limitation is treated as a defense to a prosecution under the new crime.

LD 197 An Act to Allow the Suspension of Driving Privileges of ONTP
Persons Bringing Firearms on Public School Property

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
LEMAIRE	ONTP	

SUMMARY

This bill would have created a sentencing option for the courts in cases where a person was found guilty of possessing a firearm on public school property. The court would have been able to suspend a violator's driver's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license for a period not to exceed one year. The penalty could have been applied to violators who are adults or minors. The license suspension would not have been effective until after any period of confinement, if applicable, was served.

LD 200 An Act to Allow the Imposition of Any Term of Years or Life PUBLIC 422
for Certain Attempted Murders

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
OTT LAWRENCE	OTP-AM ONTP	MAJ MIN H-184

SUMMARY

This bill allows the court to impose a sentence of imprisonment up to a life sentence for any crime committed from which death or serious bodily injury results. The court must specify the length of the sentence to be served.

COMMITTEE AMENDMENT "A" (H-184) replaces the original bill. The amendment removes the current 40-year ceiling on the length of a term of imprisonment a court may set for the crime of attempted murder, allowing, but not requiring, a court to set a definite term of imprisonment in any amount, some or all of which may be suspended with probation, or for life unless the attempted murder is committed under circumstances that, if death had resulted, would make an intentional killing punishable as a Class A crime of manslaughter because the actor is under the influence of extreme anger or fear brought about by adequate provocation. This amendment further limits the availability of life imprisonment to cases involving aggravating circumstances similar to those that permit, but do not require, the imposition of a life sentence for murder. For purposes of this bill, the Legislature accepts the meaning of "premeditation-in-fact" as defined in State v. Shortsleeves, 580 A.2d 145, 149-150 (Me. 1990).

This amendment is the majority report and adds a fiscal note.

LD 248 An Act to Amend the Law Regarding the Administrative ONTP
Suspension of a Driver's License for
Operating under the Influence

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

SUMMARY

This bill would have authorized the Secretary of State to continue a stay of suspension of a petitioner's