

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

LD 801

An Act to Clarify the Licensing Authority of the Board of Trustees of the Maine Criminal Justice Academy

PUBLIC 131

SPONSOR(S)

CLUKEY

COMMITTEE REPORT

OTP

MAJ

ONTP

MIN

AMENDMENTS ADOPTED

SUMMARY

This bill amends the general licensing board statute in the Maine Revised Statutes, Title 5 by adding the Board of Trustees of the Maine Criminal Justice Academy to the list of licensing boards that may consider convictions for misdemeanors involving sexual misconduct in connection with an application for certification by a law enforcement or corrections officer.

The bill allows the Board of Trustees to consider that type of conviction if it occurred within 10 years prior to the application for certification.

The bill amends the present law that requires municipalities and counties to report law enforcement officers who resign or are dismissed as a result of a conviction for crime to the Director of the Maine Criminal Justice Academy. The bill requires the chief administrative officer of an employing agency to report a conviction or conduct that could result in suspension or revocation of a law enforcement or corrections officer's certificate. The requirement that the director keep a list of law enforcement officers convicted of crimes is removed because that information is available through the State Bureau of Identification.

LD 802

An Act to Amend the General Sentencing Provisions

PUBLIC 149

SPONSOR(S)

KONTOS

SAXL M

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

H-204

SUMMARY

The purpose of this bill is to enhance the sentencing classes concerning criminal penalties for hate crimes. The legislation is modeled after the Wisconsin law upheld by the United States Supreme Court in Wisconsin v. Mitchell, 113 S.Ct. 2194 (1993).

COMMITTEE AMENDMENT "A" (H-204) replaces the original bill. The amendment emphasizes that courts may take into consideration, as a factor leading to enhancement of sentences, that a crime was motivated by the minority status of the victim. This amendment does not affect the authority of courts to rely on other factors in deciding upon appropriate sentences. Instead, this amendment only emphasizes the importance of the factor of selecting victims because of their membership in a minority.

LD 812

An Act to Amend the Laws Specifying the Place of Imprisonment

PUBLIC 425

SPONSOR(S)

WHEELER

FERGUSON

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

H-233

SUMMARY

This bill repeals the law that increases the cutoff for terms of incarceration to county jails to 12 months, thus restoring the old cutoff for terms of incarceration to county jails to 9 months or less.

COMMITTEE AMENDMENT "A" (H-233) repeals current law to provide the same sentencing parameters for split sentences as for straight sentences. All sentences involving more than 9 months of imprisonment will be served in a facility of the Department of Corrections.

This amendment also adds a fiscal note to the bill.

**LD 826 An Act to Amend the Sexual Abuse Laws by Including
16-year-olds and 17-year-olds Who Are Still in School in the
Provisions for Sexual Abuse of Minors**

PUBLIC 104

SPONSOR(S)
O'NEAL

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-157

SUMMARY

This bill provides that a teacher, school employee or school official is guilty of sexual abuse of a minor if that person engages in a sexual act with a minor who is enrolled in the institution that employs the teacher, school employee or school official. The bill also provides that a teacher, school employee or school official is guilty of unlawful sexual contact if that person subjects to any sexual contact a minor who is enrolled in the institution that employs the teacher, school employee or school official.

COMMITTEE AMENDMENT "A" (H-157) replaces the original bill. The amendment does the following:

1. Amends the title and language in the original bill to clarify that 16-year-olds and 17-year-olds who are enrolled in school are included in the provisions for sexual abuse of minors;
2. Changes the age of the actor to 21 years or older in cases of sexual abuse of a minor when the actor is a teacher, employee or school official in the school district, school union, educational unit, school, facility or institution in which the student is enrolled;
3. Clarifies that the new crime of sexual abuse of a minor is a Class E crime and that a violation of either provision regarding sexual abuse of a minor must be enhanced by one class of crime if the State pleads and proves certain aggravating circumstances;
4. Changes the age of the actor to 21 years or older in the new crime of unlawful sexual contact when the actor is a teacher, employee or school official in the school district, school union, educational unit, school, facility or institution in which the student is enrolled; and
5. Adds a fiscal note.

LD 837 An Act to Protect Landlords from Certain Types of Fraud

ONTP

SPONSOR(S)
BERUBE

COMMITTEE REPORT
ONTP

AMENDMENTS ADOPTED

SUMMARY

This bill would have established the crime of rental housing fraud when a person, with the intent to defraud, obtained rental housing and by deception avoided paying rent.