

MAINE STATE LEGISLATURE

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**STATE OF MAINE
117TH LEGISLATURE**

SECOND REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
CRIMINAL JUSTICE**

JUNE 1996

MEMBERS:

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Sen. Stephen E. Hall

Sen. John J. O'Dea

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**ONE HUNDRED SEVENTEENTH LEGISLATURE
SECOND REGULAR SESSION**

**Summary Of Legislation Before The Joint Standing Committees
June 1996**

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. 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 handled by the joint standing committees. It is organized alphabetically by committees 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.

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</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 finally passed 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>

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is July 4, 1996.

Committee Amendment "A" (H-731) proposed to replace the bill and to do the following:

1. Create in the Maine Criminal Code the Class D crime of home repair fraud, which is enhanced to a Class C crime if the actor has 2 or more prior convictions;
2. Make a violation of consumer sales solicitation laws a Class E crime, unless the State pleads and proves that the act or omission by the seller was intentional, in which case the violation is a Class D crime;
3. Make a violation of certain transient sales laws a Class E crime, unless the State pleads and proves that the act or omission by the seller was intentional, in which case the violation is a Class D crime; and
4. Add a fiscal note.

Enacted law summary

Public Law 1995, chapter 681 creates in the Maine Criminal Code the Class D crime of home repair fraud, which may be enhanced to a Class C crime if the offender has 2 or more prior convictions for home repair fraud. It also provides enhanced civil penalties in the consumer solicitation laws, the transient sales laws and the door-to-door home repair transient seller laws. If the State pleads and proves that an act or omission by a seller operating under a provision of these consumer laws was intentional, a violation of the consumer sales law provision involved is enhanced from a Class E to a Class D crime.

LD 1457

An Act to Discourage the Spread of "Crack" Cocaine

PUBLIC 635

Sponsor(s)
BUNKER

Committee Report
OTP-AM MAJ
OTP-AM MIN

Amendments Adopted
H-696

LD 1457 was carried over from the First Regular Session of the 117th Legislature. LD 1457 proposed to discourage the spread of cocaine base in the State.

Under existing law, possession of cocaine, whether it is cocaine hydrochloride (powder cocaine) or cocaine base (crack cocaine), is a Class D crime. LD 1457 proposed to increase that class of crime for possession of cocaine base by one level to a Class C crime. The disparity between the sentences proposed under this bill for cocaine base and for cocaine hydrochloride is supported by the addictive nature of cocaine base and the level of violence associated with its use and distribution.

Committee Amendment "A" (H-696) was the Majority Report of the Joint Standing Committee on Criminal Justice. The amendment proposed to strike sections 2 and 3 of the bill, but retain section 1, which defines and distinguishes cocaine in the form of cocaine base (crack cocaine) from cocaine hydrochloride (powder cocaine).

The amendment proposed to create presumptive quantities for furnishing and trafficking in cocaine base.

The amendment also proposed to provide that a person is guilty of aggravated trafficking or furnishing scheduled drugs if the person trafficks in or furnishes cocaine in the form of cocaine base in a quantity of 32 grams or more.

The amendment proposed to provide that possession of cocaine in the form of cocaine base constitutes a Class C crime when the State proves that the offender has a prior scheduled drug conviction.

The amendment proposed to provide that possession of 4 grams or more of cocaine in the form of cocaine base is a Class B crime.

The amendment also proposed to add a fiscal note to the bill.

Committee Amendment "B" (H-697) was the Minority Report of the Joint Standing Committee on Criminal Justice. The amendment proposed to retain provisions of the original bill that made possession of cocaine base a Class C crime and proposed to add provisions that define and distinguish cocaine in the form of cocaine base (crack cocaine) from cocaine hydrochloride (powder cocaine). The amendment also proposed to create presumptive quantities for furnishing and trafficking in cocaine base as in Committee Amendment "A" (H-696).

This amendment also proposed to add a fiscal note to the bill.

(Not adopted)

Enacted law summary

Public Law 1995, chapter 635 makes possession of cocaine base a Class D crime and defines and distinguishes cocaine in the form of cocaine base (crack cocaine) from cocaine hydrochloride (powder cocaine).

Public Law 1995, chapter 635 creates presumptive quantities for furnishing and trafficking in cocaine base.

Public Law 1995, chapter 635 provides that a person is guilty of aggravated trafficking or furnishing scheduled drugs if the person trafficks in or furnishes cocaine in the form of cocaine base in a quantity of 32 grams or more.

Public Law 1995, chapter 635 provides that possession of cocaine in the form of cocaine base constitutes a Class C crime when the State proves that the offender has a prior scheduled drug conviction. Possession of cocaine in the form of cocaine base would continue to be a Class D crime when the State does not prove that the offender has a prior scheduled drug conviction.

Public Law 1995, chapter 635 also provides that possession of 4 grams or more of cocaine in the form of cocaine base is a Class B crime.

LD 1510 An Act to Make Comprehensive Changes to the Sex Offender PUBLIC 680
Laws

Sponsor(s)
PINGREE

Committee Report
OTP-AM

Amendments Adopted
S-516

LD 1510 was carried over from the First Regular Session of the 117th Legislature. LD 1510 proposed to make comprehensive changes to the laws involving sex offenders. The bill proposed to: