

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

**STATE OF MAINE
117TH LEGISLATURE**

SECOND REGULAR SESSION

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

JUNE 1996

MEMBERS:

Sen. John W. Benoit, Chair

Sen. Stephen E. Hall

Sen. John J. O'Dea

Rep. Herbert E. Clark, Chair

Rep. Birger T. Johnson

Rep. George H. Bunker, Jr.

Rep. Richard H. Thompson

Rep. Dean F. Clukey

Rep. Walter R. Gooley

Rep. Michael J. McAlevey

Rep. Judith B. Peavey

Rep. Edgar Wheeler

Rep. William F. Reed

Staff:

Marion Hylan Barr, Legislative Analyst

*Office of Policy and Legal Analysis
Room 101/107/135, 13 State House Station
Augusta, ME 04333
(207)287-1670*



**Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS**

13 State House Station, Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

**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.

(2) The Department of Public Safety, State Bureau of Identification shall forward the information in subparagraph (1) to all law enforcement agencies that have jurisdiction in those areas where the sex offender may reside or work;

(3) The Department of Corrections shall notify members of the public who the department determines appropriate to ensure public safety; and

(4) The law enforcement agencies that receive information concerning the registration of a sex offender shall notify members of that municipality who the law enforcement agency determines appropriate to ensure public safety.

Upon request, the Department of Corrections shall provide to law enforcement agencies technical assistance concerning risk assessment for purposes of public notification of a sex offender's release.

This notification process is not intended to affect or limit the current ability of a member of the public to call the Department of Public Safety, State Bureau of Identification to inquire whether a person is a registered sex offender. The notification process is instead a method of enhancing public notification for the purpose of public safety;

9. Allocates \$200,000 to the Department of Corrections from the Federal Expenditure Fund for the fiscal year ending June 30, 1997. The federal funds will be used to train probation officers and to otherwise carry out the purposes of this Act; and

10. Directs the Department of Corrections to report back to the joint standing committee having jurisdiction over criminal justice matters regarding the implementation and application of the risk assessment and relapse prevention program for sex offenders, including the department's work assisting law enforcement agencies with risk assessment for the purpose of public notification, no later than January 1, 1998.

LD 1661

An Act to Increase the Penalty for Criminal Restraint of a Young Child

PUBLIC 689

Sponsor(s)
PEAVEY
SMALL

Committee Report
OTP-AM

Amendments Adopted
H-700

LD 1661 proposed to change the penalty for criminal restraint of a child under age 6 or a dependent person from a Class D crime to a Class C crime. The increase in penalty would allow law enforcement officers to arrest the offender rather than issue a summons.

LD 1661 was originally titled "An Act to Increase the Penalty for Criminal Restraint of a Young Child or a Dependent Person."

Committee Amendment "A" (H-700) proposed to change from a Class D to a Class C crime criminal restraint of a child under 8 years of age. The amendment proposed to modify the title of the bill to reflect the intent of the amendment. The amendment also proposed to add a fiscal note.

Enacted law summary

Public Law 1995, chapter 689 changes from a Class D to a Class C crime criminal restraint of a child under 8 years of age.

LD 1666 An Act to Include Sexual Contact in the Definition of Prostitution PUBLIC 638

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POVICH FAIRCLOTH	OTP-AM MAJ ONTP MIN	H-712

LD 1666 proposed to include sexual contact in the definition of prostitution to prohibit sexual contact for a pecuniary benefit. This bill also proposed to expand the crime of indecent conduct to prohibit sexual contact in a public place.

Committee Amendment "A" (H-712) proposed to strike from the bill the provision that expanded the crime of indecent conduct to prohibit sexual contact in a public place. The amendment also proposed to make a technical correction and add a fiscal note to the bill.

Enacted law summary

Public Law 1995, chapter 638 includes sexual contact in the definition of prostitution to prohibit sexual contact for pecuniary benefit.

LD 1685 An Act to Provide Protection from Motor Vehicle Damage to Forest Lands PUBLIC 539

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-701

LD 1685, a majority recommendation of the Commission to Study Trespass Laws, proposed to make it a Class E crime to damage forest products, personal property or roads as a result of operating a motor vehicle on forest land. The bill proposed to define forest products as any woody stemmed plant as well as any products that have been harvested but not yet transported from the harvesting site.

LD 1685 was originally titled “An Act to Provide Recovery for Motor Vehicle Damage to Forest Lands.”

Committee Amendment "A" (H-701) proposed to change the title of LD 1685 to represent the intent of the bill, which is to create a crime, not a process for civil recovery. The amendment also proposed to clarify that the crime is one of strict liability and to make a technical correction and add a fiscal note.