

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:

Sen. John W. Benoit, Chair

Sen. Stephen E. Hall

Sen. John J. O'Dea

Rep. Herbert E. Clark, Chair

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Rep. George H. Bunker, Jr.

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Rep. William F. Reed

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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.

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	OTP-AM MAJ	H-712
FAIRCLOTH	ONTP MIN	

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.

Enacted law summary

Public Law 1995, chapter 539 makes it a Class E strict liability crime to damage forest products, personal property or roads as a result of operating a motor vehicle on forest land.

LD 1693 An Act to Enhance Fireworks Safety

PUBLIC 528

Sponsor(s)
CLUKEY

Committee Report
OTP-AM

Amendments Adopted
H-702

LD 1693 proposed to clarify that only persons with proper permits issued by the Department of Public Safety may possess fireworks. The bill proposed to make possession without a proper permit of fireworks that exceed \$100 in value a Class D crime. The bill also proposed to make obtaining a permit but failing to display the fireworks according to the rules adopted by the Commissioner of Public Safety a Class E crime.

Committee Amendment "A" (H-702) proposed to clarify that a violation of the conditions of a permit for display of fireworks is a Class E crime.

The amendment also proposed to make technical corrections and add a fiscal note to the bill.

Enacted law summary

Public Law 1995, chapter 528 allows only persons with proper permits issued by the Department of Public Safety to possess fireworks. A person without a permit who possesses fireworks that exceed more than \$100 in value is guilty of a Class D crime. A person with a permit who fails to follow the permit conditions for displaying fireworks is guilty of a Class E crime.

**LD 1694 An Act Concerning Juveniles Who Have Been Adjudicated to
Have Committed the Juvenile Crime of Gross Sexual Assault**

PUBLIC 690

Sponsor(s)
KERR

Committee Report
OTP-AM

Amendments Adopted
H-752

LD 1694 proposed to require mandatory indeterminate institutional commitment and mandatory restitution to each victim of a juvenile adjudicated to have committed gross sexual assault on 2 or more victims under 14 years of age.

Committee Amendment "A" (H-752) proposed to replace the bill and to do the following:

1. Require a juvenile adjudicated of an offense that if committed by an adult would be gross sexual assault under the Maine Revised Statutes, Title 17-A , section 253, subsection 1 to undergo a diagnostic evaluation at the Maine Youth Center before the court enters its disposition. This provision would be effective January 1, 1997;
2. Require a court in a disposition of a juvenile adjudicated of an offense that if committed by an adult would be murder or a Class A, Class B or Class C crime to state on the record and in the presence of the public, including victims and the family of victims who are present at the hearing, the court's reasons for ordering or not ordering the juvenile's commitment to a secure institution;