

# 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*

*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:***

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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 &amp; 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&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; 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 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;

3. Clarify that the restitution that a court may order a juvenile offender to pay includes costs for counseling or rehabilitative care that victims must undergo as a result of the offense for which the juvenile is adjudicated;
4. Require the Department of Corrections to give notice of the commitment to its jurisdiction of a juvenile who is adjudicated of committing gross sexual assault to the Department of Human Services, to local law enforcement agencies and to the superintendent of the school system in which the juvenile attends school; and
5. Add an effective date and a fiscal note.

***Enacted law summary***

Public Law 1995, chapter 690 does the following:

1. Requires 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 takes effect January 1, 1997;
2. Requires 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;
3. Clarifies that the restitution that a court may order a juvenile offender to pay includes costs for counseling or rehabilitative care that victims must undergo as a result of the offense for which the juvenile is adjudicated; and
4. Requires the Department of Corrections to give notice of the commitment to its jurisdiction of a juvenile who is adjudicated of committing gross sexual assault to the Department of Human Services, to local law enforcement agencies and to the superintendent of the school system in which the juvenile attends school.

**LD 1709      An Act to Describe Property Posting under the Criminal  
Trespass and Trespass by Motor Vehicle Laws**

PUBLIC 529

Sponsor(s)

Committee Report  
OTP

Amendments Adopted

LD 1709, a majority recommendation of the Commission to Study Trespass Laws, proposed to add to the criminal trespass law one specific method of posting land for the purpose of criminal trespass, allowing the use of signs or paint markings to notify persons that entry upon the property constitutes criminal trespass.

The method of posting described in this bill is intended to give property owners and property users a clear method of posting, but it is not intended to be the only method of posting that would give rise to a criminal trespass violation. Any other posting that is made "in a manner reasonably likely to come to the attention of intruders" would also meet the terms of the statute.