

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:

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.

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.

The bill proposed to make clear that a landowner is only required to mark the portion of property where access is prohibited or limited. The bill also proposed to specify that destroying signs or markings on the property of another or posting land without the owner's permission is a criminal violation.

LD 1709 proposed to extend the crime of trespass by motor vehicle to include permitting a vehicle to enter or remain on the posted nonresidential property of another for any period of time.

Enacted law summary

Public Law 1995, chapter 529 adds to the criminal trespass law one specific method of posting, allowing the use of signs or paint markings to notify persons that entry upon the property constitutes criminal trespass.

The method of posting 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.

Public Law 1995, chapter 529 also clarifies that a landowner is only required to mark the portion of property where access is prohibited or limited. Chapter 529 specifies that destroying signs or markings on the property of another or posting land without the owner's permission is a criminal mischief.

Public Law 1995, chapter 529 further extends the crime of trespass by motor vehicle to include permitting a vehicle to enter or remain on the posted nonresidential property of another for any period of time.

LD 1728 An Act to Enhance Amusement Ride Safety

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Sponsor(s)
CLARK

Committee Report
OTP-AM

Amendments Adopted
H-713

LD 1728 proposed to increase the annual fee for safety inspections and licensing of certain amusements and motor vehicle raceways from \$250 to \$300 and to increase the amusement device license fee from \$37.50 to \$50. The bill proposed to dedicate the revenue to offset the cost of the licensing and inspections.

LD 1728 also proposed to amend the definition of "amusement device."

Committee Amendment "A" (H-713) proposed to add an allocation and a fiscal note to the bill.

Enacted law summary

Public Law 1995, chapter 533 increases the annual fee for safety inspections and licensing of certain amusements and motor vehicle raceways from \$250 to \$300 and increases the amusement device license fee from \$37.50 to \$50. The fees are dedicated to offset the costs of licensing and inspections. Public Law 1995, chapter 533 also amends the definition of "amusement device."