

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
118TH LEGISLATURE**

**FIRST REGULAR SESSION  
AND  
FIRST SPECIAL SESSION**

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

**JULY 1997**

**MEMBERS:**

*Sen. Robert E. Murray, Jr., Chair  
Sen. William B. O'Gara  
Sen. Betty Lou Mitchell*

*Rep. Edward J. Povich, Chair  
Rep. George H. Bunker, Jr.  
Rep. Roger D. Frechette  
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Rep. Michael J. McAlevey  
Rep. Judith B. Peavey  
Rep. Edgar Wheeler  
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Rep. James H. Tobin, Jr.*

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**Maine State Legislature**

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**ONE HUNDRED EIGHTEENTH LEGISLATURE  
FIRST REGULAR AND FIRST SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees  
August 1997**

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. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet ([www.state.me.us/legis/opla](http://www.state.me.us/legis/opla)).

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:

- CARRIED OVER*.....*Bill carried over to Second Regular Session*
- CON RES XXX*.....*Chapter # of Constitutional Resolution passed by both Houses*
- CONF CMTE UNABLE TO AGREE*.....*Committee of Conference unable to agree; bill died*
- DIED BETWEEN BODIES*.....*House & Senate disagree; bill died*
- DIED IN CONCURRENCE*.....*One body accepts ONTP report; the other indefinitely postpones the bill*
- DIED ON ADJOURNMENT*.....*Action incomplete when session ended; bill died*
- EMERGENCY*.....*Enacted law takes effect sooner than 90 days*
- FAILED EMERGENCY ENACTMENT/FINAL PASSAGE*.....*Emergency bill failed to get 2/3 vote*
- FAILED ENACTMENT/FINAL PASSAGE*.....*Bill failed to get majority vote*
- FAILED MANDATE ENACTMENT*.....*Bill imposing local mandate failed to get 2/3 vote*
- INDEF PP*.....*Bill Indefinitely Postponed*
- ONTP*.....*Ought Not To Pass report accepted*
- OTP ND*.....*Committee report Ought To Pass In New Draft*
- OTP ND/NT*.....*Committee report Ought To Pass In New Draft/New Title*
- P&S XXX*.....*Chapter # of enacted Private & Special Law*
- PUBLIC XXX*.....*Chapter # of enacted Public Law*
- RESOLVE XXX*.....*Chapter # of finally passed Resolve*
- UNSIGNED*.....*Bill held by Governor*
- VETO SUSTAINED*.....*Legislature failed to override Governor's Veto*

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 26, 1997 and September 19, 1997 for the First Special Session.

*David E. Boulter, Director*

Offices Located in the State House, Rooms 101/107/135

LD 162

**An Act to Allow Retired Law Enforcement Officials to Obtain a Lifetime Concealed Weapons Permit**

ONTP

Sponsor(s)  
LIBBY

Committee Report  
ONTP

Amendments Adopted

LD 162 proposed to allow a retired law enforcement officer to obtain a permit to carry a concealed firearm for life.

LD 169

**An Act Concerning Theft of Rental Property**

PUBLIC 319

Sponsor(s)  
BUTLAND

Committee Report  
OTP-AM

Amendments Adopted  
S-228

LD 169 proposed that theft of rental property occurs when a person knowingly provides false identification or information to the owner of the property at the time of the rental and that theft of rental property could be presumed when the person fails to return the property within 10 days of receiving a written demand, mailed after the expiration of the rental period. This bill also would have provided an affirmative defense to theft of rental property for persons who gave accurate information at the time of the rental, failed to receive the owner's written demand and returned the property to the owner within 48 hours of the commencement of prosecution.

**Committee Amendment “A” (S-228)** proposed that theft of rental property could be presumed when a person fails to return the property within 5 days of receiving a written demand mailed after the expiration of the rental period. The amendment would have removed language regarding theft of rental property that specified that a person knowingly provided false identification or information to the owner at the time of the rental. The amendment further proposed to remove the affirmative defense to theft of rental property and to add a fiscal note to the bill.

*Enacted law summary*

Public Law 1997, chapter 319 specifies that theft of rental property may be presumed when a person fails to return the property within 5 days of receiving the owner's written demand, mailed by certified or registered mail after the expiration of the rental period.

**LD 231**

**An Act to Classify Vehicular Homicide as a Class A Crime**

PUBLIC 34

Sponsor(s)  
POVICH

Committee Report  
OTP

Amendments Adopted

LD 231 proposed to repeal the defense to prosecution of a manslaughter based upon the reckless or criminally negligent operation of a motor vehicle.

*Enacted law summary*

Public Law 1997, chapter 34 repeals Maine Revised Statutes, Title 17-A, section 203, subsection 3, paragraph A, which provides a defense to a prosecution of a manslaughter based upon the reckless or criminally negligent operation of a motor vehicle. This provision reduces manslaughter based upon the criminally negligent operation of a motor vehicle to a Class B crime. The defense is available under current law when the death of the victim resulted from conduct that would otherwise be defined only as a civil violation or civil infraction.

Because of the existence of Title 17-A, section 203, subsection 3, paragraph A, the court in *State v. Berube*, 669 A.2d 170 (Me. 1995) vacated a Class A manslaughter conviction and the 12-year sentence that had been imposed. Public Law 1997, chapter 34 overrules *State v. Berube* to the extent that it makes all vehicular homicides a Class A crime.

**LD 232**                      **An Act to Create the Class A Crime of Theft**                      **ONTP**

<u>Sponsor(s)</u> POVICH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 232 proposed to create the Class A crime of theft of property or services valued in excess of \$50,000.

**LD 245**                      **An Act to Provide a Time Limit Extension for Basic Corrections Training**                      **PUBLIC 14**

<u>Sponsor(s)</u> WHEELER E		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 245 proposed to allow the Board of Trustees of the Maine Criminal Justice Academy to extend by 90 days the period in which a full-time corrections officer must receive basic training.

***Enacted law summary***

Public Law 1997, chapter 14 allows the Board of Trustees of the Maine Criminal Justice Academy to extend by 90 days the period in which a full-time corrections officer must receive basic training. Currently, a full-time corrections officer must complete training within the first 12 months of employment.

**LD 261**                      **An Act to Establish the Crime of Elevated Aggravated Assault**                      **PUBLIC 461**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-101
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LD 261 proposed to establish the Class A crime of elevated aggravated assault. The bill was proposed by the Criminal Law Advisory Commission.