

# 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.  
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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 293**

**An Act to Create a Repeat Offender Provision Addressing Crimes of Violence against Persons**

**PUBLIC 460**

Sponsor(s)

Committee Report  
OTP-AM

Amendments Adopted  
H-554

LD 293 proposed to enhance the sentencing class for a Class B, Class C, Class D or Class E crime in the Maine Revised Statutes, Title 17-A, chapters 9, 11, 13 or 27 if the offender within the prior 10 years had 2 or more convictions for violations of these same chapters or essentially similar crimes in other jurisdictions. This bill was proposed by the Criminal Law Advisory Commission.

**Committee Amendment “A” (H-554)** proposed that murder not be included among those crimes for which a sentencing class could be increased. The amendment also proposed to centralize the repeat offender provision for crimes under the Maine Revised Statutes, Title 17-A, chapters 9, 11, 13 and 27 and add a fiscal note.

***Enacted law summary***

Public Law 1997, chapter 460 enhances the sentencing class for Class B, Class C, Class D or Class E crimes in the Maine Revised Statutes, Title 17-A, chapters 9, 11, 13 or 27 if the offender within the prior 10 years has 2 or more convictions for violations of these same chapters or essentially similar crimes in other jurisdictions. For a Class A crime in Title 17-A, chapter 9, 11, 13 or 27, Public Law 1997, chapter 460 requires that the same prior convictions be given serious consideration by a court in exercising its sentencing discretion. Finally, Public Law 1997, chapter 460 clarifies that in order to qualify for an enhanced sentence the prior convictions must have been entered in separate court proceedings on separate dates and the subject crimes must have occurred on separate dates.

**LD 294**

**An Act to Increase the Authorized Period of Probation for a Class D Crime**

**ONTP**

Sponsor(s)

Committee Report  
ONTP

Amendments Adopted

LD 294 proposed to increase the authorized period of probation for a Class D crime from one year to 2 years. This bill was proposed by the Criminal Law Advisory Commission.

**LD 295**

**An Act to Facilitate Payment of Restitution for Thefts by Extending the Period of Probation**

**ONTP**

Sponsor(s)

Committee Report  
ONTP

Amendments Adopted

LD 295 proposed to address an issue raised in the Law Court opinion of *State v. Fournier*, 617 A.2d 998 (Me. 1982) regarding payment of restitution while on probation. LD 295 proposed to allow the court to sentence a person convicted of Class B theft to a period of probation longer than the authorized maximum of 4 years when the value of the property or services stolen is large. The bill proposed to permit the court to extend probation by one

additional year for every \$5,000 above the initial \$10,000 in value of the property or services stolen. This bill was proposed by the Criminal Law Advisory Commission.

**LD 297**                      **An Act to Make Unlawful Possession of Firearms for Nonviolent Juvenile Offenses Either a Crime or a Juvenile Offense Depending upon the Age of the Violator**                      **PUBLIC 462**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-22

LD 297 proposed to make unlawful possession of firearms for nonviolent juvenile offenses either a crime or a juvenile offense depending on the age of the offender. This bill was proposed by the Criminal Law Advisory Commission.

**Committee Amendment "A" (H-22)** proposed to add a fiscal note to the bill.

*Enacted law summary*

Public Law 1997, chapter 462 corrects a deficiency in current law. The Maine Revised Statutes, Title 15, section 393, subsection 1-A prohibits certain juveniles or certain persons who have reached the age of 18 years from owning, possessing or controlling a firearm for a specified period. Currently, a violation of the conduct prohibited by subsection 1-A is not a crime if committed by an adult nor a juvenile offense if committed by a juvenile. Public Law 1997, chapter 462 makes such unlawful possession a crime or a juvenile offense.

**LD 305**                      **An Act to Prohibit the Inhaling of Toxic Vapors for Effect**                      **PUBLIC 325**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARVIN MITCHELL B	OTP-AM	H-382 H-546 POVICH

LD 305 proposed to prohibit inhaling toxic vapors for effect. This form of inhalant abuse is also called "huffing" and can cause "sudden sniffing death" at any time.

**Committee Amendment "A" (H-382)** replaced the bill and proposed to do the following:

1. Make the inhalation of toxic vapors a civil violation, rather than a Class E crime. The mandatory forfeitures for the violation would have been \$100 to \$300 for the first offense, \$200 to \$500 for the 2nd offense and \$500 for the 3rd and each subsequent offense;
2. Create the presumption that a person violated the section if there were proof that the person intentionally or knowingly inhaled, ingested, applied or used a substance in a manner contrary to the directions for use, cautions or warnings on the label of the substance container;