

# 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*

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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:

|   |  |
|---|--|
| <i>CARRIED OVER</i> .....                             | <i>Bill carried over to Second Regular 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 IN CONCURRENCE</i> .....                      | <i>One body accepts ONTP report; the other indefinitely postpones the bill</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/FINAL PASSAGE</i> ..... | <i>Emergency bill failed to get 2/3 vote</i>                                   |
| <i>FAILED ENACTMENT/FINAL PASSAGE</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>OTP ND</i> .....                                   | <i>Committee report Ought To Pass In New Draft</i>                             |
| <i>OTP ND/NT</i> .....                                | <i>Committee report Ought To Pass In New Draft/New Title</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>Bill held by Governor</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 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 1674

**An Act Related to Bind-over of Older Juveniles Who Commit Certain Offenses**

ONTP

| <u>Sponsor(s)</u>  | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------|---------------------------|
| THOMPSON<br>BENOIT | ONTP                    |                           |

LD 1674 proposed to require that, at the request of the prosecuting attorney, a juvenile be bound over for trial as an adult if the juvenile had committed what would be murder, Class A or B manslaughter, aggravated assault, or Class A or B gross sexual assault and was at least 16 years of age at the time, unless the juvenile requested a bind-over hearing. The bill would have placed on the juvenile the burden of showing the inappropriateness of bind-over.

**LD 1679**

**An Act to Assist the Law Enforcement Community in Locating Missing Children**

PUBLIC 468

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| SMALL<br>PEAVEY   | OTP-AM                  | H-707 POVICH<br>S-276     |

LD 1679 proposed to require a law enforcement agency that received a report of a missing child who was a student at a school in this State to inform an administrator of that school of the missing child report. An administrator of that school would have to identify the file or any other records of the missing child in the custody of the school as pertaining to the missing child. If a request for this file or these records were made, an administrator of that school would have to notify a law enforcement agency of this request immediately. This bill also proposed to require the law enforcement agency to inform the municipal clerk of the municipality in which the child's birth records are kept of the missing child report. The municipal clerk would have to identify the birth records of the missing child. If a request for these records were made, the municipal clerk would have to notify a law enforcement agency of this request immediately.

**Committee Amendment "A" (S-276)** replaced the bill. The amendment proposed that a law enforcement agency must immediately notify a child's school, the municipality in which the child's birth records are kept and the Department of Human Services if a child were considered a victim or possible victim of kidnapping or criminal restraint. The amendment would require the notified agencies to identify the records in their custody that pertain to the child and immediately notify the law enforcement agency if a request for those records were made.

The amendment also proposed to add a fiscal note and a mandate preamble to the bill.

**House Amendment "A" to Committee Amendment "A" (H-707)** proposed to make technical changes to ensure grammatical consistency in the language used in the committee amendment.

*Enacted law summary*

Public Law 1997, chapter 468 requires a law enforcement agency to immediately notify a child's school, the municipality in which the child's birth records are kept and the Department of Human Services when a child is considered a victim or possible victim of kidnapping or criminal restraint. Notified agencies must identify the records in their custody that pertain to the child and immediately notify the law enforcement agency if a request for those records is made.

**LD 1707**                      **An Act to Repeal the Requirement of Concealed Weapon Permits**                      **ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| MACK<br>FERGUSON  | ONTP                    |                           |

LD 1707 proposed to repeal the provisions requiring concealed weapon permits and to make changes to other laws consistent with the repeal.

**LD 1711**                      **An Act Addressing Sexual Exploitation of an Abuse Victim by a Law Enforcement Officer**                      **PUBLIC 402**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| O'BRIEN           | OTP-AM                  | H-624                     |

LD 1711 proposed to create a new Class C form of gross sexual assault and a new Class D form of unlawful sexual contact when the actor is a law enforcement officer engaged in an investigation or purported investigation involving an allegation of abuse and the other person, not the actor's spouse, was the alleged victim of that abuse and the actor engaged in a sexual act with the other person or the actor intentionally subjected the other person to any sexual contact, respectively.

The bill also proposed to create a defense to both crimes if either a preexisting and ongoing sexual relationship existed between the actor and the other person that included the same kind of sexual conduct or if more than 6 months had elapsed since the actor first became involved in the underlying investigation or purported investigation involving the allegation of abuse.

**Committee Amendment "A" (H-624)** replaced the bill. The amendment proposed that the Board of Trustees of the Maine Criminal Justice Academy could suspend or revoke the certification of a law enforcement officer who engaged in a sexual act or sexual contact with an alleged victim of abuse if the law enforcement officer is involved in the investigation or purported investigation of that alleged abuse and the alleged victim was not the law enforcement officer's spouse.

The amendment also proposed to make a technical correction and add a fiscal note.

*Enacted law summary*