

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

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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).

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 & 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&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>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 1800

An Act to Include Flunitrazepam in the List of Schedule W Drugs

PUBLIC 487

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CATHCART	OTP-AM	S-217

LD 1800 proposed to name Flunitrazepam as a schedule W, because of its ability to incapacitate its consumer and its illegal street use on unsuspecting and nonconsenting sexual assault victims.

Committee Amendment "A" (S-217) proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 487 names Flunitrazepam as a schedule W drug, which allows the introduction of a laboratory analysis certificate into evidence under the Maine Revised Statutes, Title 17-A, section 1112. Flunitrazepam is scheduled as a schedule W drug rather than another schedule because of its ability to incapacitate its consumer and its illegal street use on unsuspecting and nonconsenting sexual assault victims. Public Law 1997, chapter 487 is not intended to affect in any way the current or future, scheduling, licensure or otherwise legitimate use of Flunitrazepam under federal or state law.

LD 1870

An Act to Amend Criminal OUI Penalties Concerning Suspension of CARRIED OVER a Motor Vehicle Driver's License

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER KILKELLY		

Effective June 29, 1995, the Legislature changed from 6 to 10 years the time period for which prior convictions of OUI offenses would be used to increase penalties. LD 1870 provides that a person who has a conviction prior to the effective date of that change is subject to the 6-year rather than the 10-year provision.

LD 1870 was carried over to the Second Regular Session of the 118th Legislature.

LD 1892

An Act to Criminalize Certain Photographing of Children under the Clothing of a Person in a Public Place by Mechanical or Electronic Equipment

PUBLIC 467

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMALL PEAVEY		

This bill is a new draft of LD 36. The title of the bill was misprinted and should have read: An Act to Criminalize Unpermitted Visual Surveillance by Mechanical or Electronic Equipment under the Clothing of Another Person in a Public Place. The bill proposed to establish that a person is guilty of a violation of privacy if that person engaged in visual surveillance in a public place by means of mechanical or electronic equipment with the intent to observe or

photograph, record, amplify or broadcast an image of any portion of the body of another person present in that place when that portion of the body was concealed from the public view under clothing and a reasonable person would expect it to be safe from surveillance.

The bill also proposed to provide a defense to prosecution if the person subject to surveillance had in fact attained 14 years of age and had consented to the surveillance.

Enacted law summary

Public Law 1997, chapter 467 establishes that a person is guilty of a violation of privacy if that person engages in visual surveillance in a public place by means of mechanical or electronic equipment with the intent to observe or photograph, record, amplify or broadcast an image of any portion of the body of another person present in that place when that portion of the body is concealed from public view under clothing and a reasonable person would expect it to be safe from surveillance. It forbids, for example, a person in a public place like a store from placing a video camera below the hemline of another person's skirt, aimed so as to record what it observes within the zone of privacy created by that skirt.

Public Law 1997, chapter 467 also provides a defense to prosecution if the person subject to surveillance has in fact attained 14 years of age and has consented to the surveillance. In order to protect young children, consent is not a defense when the other person is under 14 years of age.