MAINE STATE LEGISLATURE

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STATE OF MAINE 119TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE

JULY 1999

MEMBERS: Sen. Robert E. Murray, Jr., Chair Sen. William B. O'Gara Sen. Paul T. Davis

> Rep. Edward J. Povich, Chair Rep. Roger D. Frechette Rep. Christopher T. Muse Rep. Nancy L. Chizmar Rep. Michael W. Quint Rep. Michael J. McAlevey Rep. Judith B. Peavey Rep. Julie Ann O'Brien Rep. James H. Tobin, Jr. Rep. Roger L. Sherman

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ONE HUNDRED NINETEENTH LEGISLATURE FIRST REGULAR SESSION

Summary Of Legislation Before The Joint Standing and Select Committees August 1999

We are pleased to provide this summary of all bills that were considered by the Joint Standing and Select Committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing and select committees.

The document is organized for convenient reference to information on bills considered by the committees. It is organized 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, <u>History and Final Disposition of Legislative Documents</u>, 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:

CARRIED OVER	Bill carried over to Second Regular Session
CONF CMTE UNABLE TO AGREE	
DIED BETWEEN BODIES	House & Senate disagree; bill died
DIED IN CONCURRENCE	One body accepts ONTP report; the other indefinitely postpones the bill
	Action incomplete when session ended; bill died
EMERGENCY	Enacted law takes effect sooner than 90 days
	Bill failed to get vote required for enactment or final pasage
NOT PROPERLY BEFORE THE BODY	Ruled out of order by the presiding officers; bill died
INDEF PP	Bill Indefinitely Postponed
ONTP	Bill Indefinitely PostponedOught Not To Pass report accepted
OTP ND	
<i>OTP ND/NT</i>	
P&S XXX	Chapter # of enacted Private & Special Law
PUBLIC XXX	
RESOLVE XXX	
	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 September 18, 1999.

Sponsor(s)	Committee Report		Amendments Adopted
TOBIN J	ONTP	MAJ	
DAVIS P	OTP-AM	MIN	

LD 65 proposed to increase the period of probation for domestic abuse from one year to 2 years.

Committee Amendment "A" (H-429) was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to add an appropriation and a fiscal note to the bill. This amendment was not adopted.

LD 78

Resolve, Establishing the Replacement Simultaneously of State Correctional Facilities in Cumberland and Washington Counties as the First Priority If Additional General Obligation Bond Issues or Lease Appropriation Bonds are Authorized by the Legislature **RESOLVE 17**

Sponsor(s)	Committee Report	Amendments Adopted
BAGLEY	OTP-AM	H-150
CASSIDY		

LD 78 proposed to authorize the Maine Governmental Facilities Authority to issue securities in an amount up to \$17,400,000 for construction of a replacement for the Downeast Correctional Facility in Washington County.

Committee Amendment "A" (H-150) proposed to retitle and replace the bill with a resolve that sets the replacement simultaneously of new state correctional facilities in Cumberland and Washington counties as the first priority of the State, if any new general obligation bonds or lease appropriation bonds are authorized. For purposes of this resolve, new state correctional facilities mean those for which bonds may be issued following the issuance of bonds for correctional facilities construction projects located in Warren and Windham, pursuant to Public Law 1997, chapter 752.

Enacted law summary

Resolve 1999, chapter 17 authorizes the Maine Governmental Facilities Authority to issue securities in an amount up to \$17,400,000 for construction of a replacement for the Downeast Correctional Facility in Washington County. For purposes of this resolve, new state correctional facilities mean those for which bonds may be issued following the issuance of bonds for correctional facilities construction projects located in Warren and Windham, pursuant to Public Law 1997, chapter 752.

LD 82

An Act to Amend the Laws Prohibiting Terrorizing

PUBLIC 433

Sponsor(s)	Committee Report	Amendments Adopted
O'BRIEN L	OTP-AM	H-20

LD 82

Current law includes in the crime of criminal terrorizing a threat of violence whose natural and probable consequence is to cause the evacuation of a building, place of assembly or facility of public transport. LD 82 proposed to expand the

crime to include such a threat whose natural and probable consequence is to secure buildings that cannot be evacuated, such as prisons, nursing homes or hospitals.

Committee Amendment "A" (H-20) proposed to replace the bill and include in the crime of criminal terrorizing a threat whose natural and probable consequence is to cause the occupants of any building to be moved to or required to remain in a designated secured area. The amendment also proposed to add a fiscal note.

Enacted law summary

Public Law 1999, chapter 433 includes in the crime of criminal terrorizing a threat whose natural and probable consequence is to cause the occupants of any building to be moved to or required to remain in a designated secured area.

LD 84 An Act to Make It a Crime to Solicit a Child by Means of Computer to Commit a Prohibited Act PUBLIC 349

Sponsor(s)	Committee Report	Amendments Adopted
MCALEVEY	OTP-AM	H-449

LD 84 proposed to establish the crime of solicitation of a child by a computer for the purpose of committing a prohibited act. As proposed, a person is guilty of soliciting a child by a computer to commit a prohibited act if the person used a computer to knowingly solicit, entice, persuade or compel another person to meet with that person for the purpose of engaging in a prohibited sexual act, sexual contact or sexual exploitation with that person.

The bill also proposed to make subject to the asset forfeiture laws computers and computer equipment that are used or attempted to be used for the solicitation of a child to commit a prohibited act.

Committee Amendment "A" (H-449) proposed to clarify the title and reduce from 16 years to 14 years the age the offender knows or believes the potential victim to be. The amendment proposed to reduce the class of the crime from a Class C crime to a Class D crime. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 349 establishes the Class D crime of solicitation of a child by a computer for the purpose of committing a prohibited act. A person is guilty of soliciting a child by a computer to commit a prohibited act if the person uses a computer to knowingly solicit, entice, persuade or compel another person to meet with that person for the purpose of engaging in a prohibited sexual act, sexual contact or sexual exploitation with that person.

Public Law 1999, chapter 349 also makes subject to the asset forfeiture laws computers and computer equipment that are used or attempted to be used for the solicitation of a child to commit a prohibited act.

LD 99 An Act to Require Auctions for Confiscated Firearms

PUBLIC 47

Sponsor(s)	Committee Report		Amendments Adopted
POVICH	OTP-AM	MAJ	H-39
MURRAY	ONTP	MIN	

LD 99 proposed to apply to abandoned, lost or stolen firearms retained by law enforcement agencies and to firearms retained by law enforcement agencies under forfeiture statutes. The bill proposed to: