

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:

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Sen. William B. O'Gara
Sen. Paul T. Davis*

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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, 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:

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
ENACTMENT FAILED..... Bill failed to get vote required for enactment or final passage
NOT PROPERLY BEFORE THE BODY..... Ruled out of order by the presiding officers; bill died
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 September 18, 1999.

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**

<u>Sponsor(s)</u> MCALEVEY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-449
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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**

<u>Sponsor(s)</u> POVICH MURRAY		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u> H-39
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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:

1. Require law enforcement agencies to publicly auction such firearms each year and to permit them to contract with private entities to conduct these auctions;
2. Eliminate a related provision of current law that permits the retention of firearms for training purposes and the destruction of firearms;
3. Permit law enforcement agencies to retain the proceeds of firearm auctions; and
4. Permit the Attorney General, in accordance with these provisions, to adopt or amend rules pertaining to the sale, use and disposal of firearms and ammunition.

Committee Amendment "A" (H-39) proposed to replace the bill and was the majority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to permit law enforcement agencies to auction abandoned, lost, stolen or forfeited firearms and ammunition to the public. Currently, law enforcement agencies may auction confiscated firearms to federally licensed firearms dealers. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 47 permits, but does not require, law enforcement agencies to auction abandoned, lost, stolen or forfeited firearms and ammunition to the public, as well as to federally licensed firearms dealers.

LD 111 **An Act to Amend the Laws Regarding Penalties for the Purchase of Cigarettes by a Minor** **ONTP**

<u>Sponsor(s)</u> AHEARNE PENDLETON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 111 proposed to require the suspension of a minor's motor vehicle operator's license for up to 90 days if the minor fails to pay a forfeiture imposed for the illegal possession of tobacco.

LD 130 **An Act to Prevent Children from Acquiring Gunpowder** **PUBLIC 11**

<u>Sponsor(s)</u> MURRAY MCALEVEY	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 130 proposed that a person is guilty of endangering the welfare of a child, a Class D crime, if the person knowingly sells, furnishes, gives away or offers to sell, furnish or give away to a child under 16 years of age gunpowder or smokeless powder unless furnished by a parent, foster parent, guardian or an adult approved by the parent, foster parent or guardian for use in a supervised manner.