

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.

LD 195

An Act to Prohibit Sex Offenders from Being near Schools or Day Care Facilities

ONTP

<u>Sponsor(s)</u> MACKINNON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 195 proposed to prohibit a sex offender from residing or loitering within 1,000 feet of a school or day care facility.

LD 201

An Act to Amend the Maine Criminal Justice Academy Requirements for Candidates for Sheriff

PUBLIC 338

<u>Sponsor(s)</u> GOODWIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-560
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LD 201 proposed to remove the requirement that a sheriff or candidate for sheriff be certified by the Maine Criminal Justice Academy.

Committee Amendment "A" (H-184) proposed to replace and retitle the bill and was the majority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to repeal the requirement that a candidate for sheriff qualify for an executive certificate under the Maine Criminal Justice Academy standards and instead require a candidate to meet only the Maine Criminal Justice Academy basic law enforcement training standards or the basic corrections training standards. This amendment was not adopted.

Committee Amendment "B" (H-185) proposed to replace and retitle the bill and was the minority report of the Joint Standing Committee on Criminal Justice. This amendment proposed to repeal the existing requirement that a candidate for sheriff qualify for an executive certificate under the Maine Criminal Justice Academy standards and instead require a candidate to hold current certification in basic law enforcement training under the Maine Criminal Justice Academy standards and to have at least 5 years of experience as a law enforcement officer. The amendment also proposed to repeal the grandfather provision after current terms of office are served and require all who seek to be candidates for reelection to meet the new requirements. This amendment was not adopted.

Committee Amendment "C" (H-560) proposed to replace and retitle the bill. The amendment proposed to repeal the requirement that a candidate for sheriff qualify for an executive certificate under the Maine Criminal Justice Academy standards and instead require a candidate to meet only the Maine Criminal Justice Academy basic law enforcement training standards or meet the basic corrections training standards and have 5 years of supervisory employment experience. Committee Amendment "C" was a compromise that replaced Committee Amendments "A" and "B".

Enacted law summary

Public Law 1999, chapter 338 removes the requirement that a sheriff or candidate for sheriff be certified by the Maine Criminal Justice Academy and repeals the requirement that a candidate for sheriff qualify for an executive certificate under the Maine Criminal Justice Academy standards and instead requires a candidate to meet only the Maine Criminal Justice Academy basic law enforcement training standards or meet the basic corrections training standards and have 5 years of supervisory employment experience.

LD 211

An Act to Criminalize the Negligent or Purposeful Transmission of HIV

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHIELDS	ONTP MAJ OTP-AM MIN	

LD 211 proposed to make the transmission of HIV a crime. As proposed, a person who knows or has reason to believe that the person is infected with HIV commits a Class A crime if that person transmits HIV to another person intentionally, knowingly, recklessly or with criminal negligence.

Committee Amendment "A" (H-81) was the minority report of the Joint Standing Committee on Criminal Justice and proposed to add a fiscal note to the bill. This amendment was not adopted.

LD 224 **An Act to Prohibit the Misuse of Identification** **PUBLIC 190**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERDIERE MILLS	OTP-AM	H-183 H-315 POVICH

LD 224 proposed to create the Class D crime of misuse of legal identification. As proposed, the crime is committed if a person intentionally or knowingly presents or uses a form of legal identification that is stolen or forged.

The bill proposed that a person who has suffered economic loss as the result of this crime may receive restitution from the offender under current provisions of the Maine Criminal Code. The bill also proposed to make it a defense to a civil action seeking monetary damages that the action is based on the misuse of a legal identification for which another person has been convicted.

Committee Amendment "A" (H-183) proposed to replace the bill. The amendment proposed to repeal current law regarding misuse of credit identification and enact a broader Class D crime regarding misuse of identification. Specifically, the amendment proposed to criminalize misuse of credit identification and debit cards and add a provision that criminalizes any use of a form of legal identification that a person is not authorized to use. The amendment also proposed to make it a defense to a civil action seeking monetary damages that the action is based on the misuse of a form of legal identification for which another person has been convicted. The amendment also proposed to add a fiscal note.

House Amendment "A" to Committee Amendment "A" (H-315) proposed to clarify that the defense to a civil action for damages arising from the misuse of identification may be raised only by the person whose identification was misused.

Enacted law summary

Public Law 1999, chapter 190 repeals current law regarding misuse of credit identification and enacts a broader law regarding misuse of identification. A person is guilty of committing the new Class D crime if the person misuses credit identification, debit cards and any other form of legal identification that a person is not authorized to use. Public Law 1999, chapter 190 also makes it a defense to a civil action for the person whose identification was misused that the action is based on the misuse of a form of legal identification for which another person has been convicted.

LD 244 **An Act to Permit the Release and Publication of the Name of a Juvenile** **ONTP**
14 Years of Age or Older Who Commits a Crime