

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

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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.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAREY	ONTP	

LD 244 proposed to allow the name of a juvenile charged with a crime and the juvenile crime or crimes committed to be revealed if the juvenile was at least 14 years of age at the time of the offense.

LD 258 **An Act to Make Purposeful Misrepresentation and Stolen Identity of Another Person a Class C Crime** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOOLEY	ONTP	

LD 258 proposed to create the Class C 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. LD 224, An Act to Prohibit the Taking of Another Person’s Legal Identification, Public Law 1999, chapter 190 incorporates concepts from LD 258.

LD 266 **An Act to Require Records Checks for Persons Providing Direct Care to Clients of the Department of Mental Health, Mental Retardation and Substance Abuse Services** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHEELER G LAWRENCE		

LD 266 proposes to require criminal history record checks for direct care employees and prospective employees of the Department of Mental Health, Mental Retardation and Substance Abuse Services and facilities and entities providing services to clients of the department. The bill proposes to provide for the confidentiality of criminal history record information and access and review for the person whose record is checked. The bill also proposes to require rulemaking as necessary to implement the new provision.

This bill has been carried over to the Second Regular Session.

LD 268 **An Act to Prohibit the Misuse of Laser Pointers** **PUBLIC 163
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
USHER O’GARA	OTP-AM	H-300

LD 268 proposed to make it a Class D crime for a person not authorized by law to intentionally point a laser device at another person. This prohibition of the use of laser devices is similar to provisions in current law pertaining to the use of disabling chemicals such as mace and pepper spray. The bill was proposed as emergency legislation due to the health dangers and safety risks posed by the misdirecting of laser devices at people.

Committee Amendment "A" (H-300) proposed to replace the bill. The amendment proposed to redefine the offense "criminal use of a laser pointer." As proposed, a person is guilty of criminal use of a laser pointer if:

1. The person intentionally, knowingly or recklessly points a laser pointer at another person, while the laser pointer is emitting a laser beam, and causes bodily injury to that other person;
2. That other person is a law enforcement officer in uniform; or
3. The person causes a reasonable person to suffer intimidation, annoyance or alarm.

The amendment proposed to specify that it is a defense to a prosecution under this section that at the time of the laser pointer's use the person who intentionally, knowingly or recklessly pointed a laser pointer at another person was justified in threatening or using physical force upon the other person. The amendment also proposed to allow the State to confiscate laser pointers. The amendment also adds a fiscal note.

Enacted law summary

Public Law 1999, chapter 163 creates the crime of criminal use of laser pointers. A person is guilty of criminal use of a laser pointer if:

1. The person intentionally, knowingly or recklessly points a laser pointer at another person, while the laser pointer is emitting a laser beam, and causes bodily injury to that other person;
2. That other person is a law enforcement officer in uniform; or
3. The person causes a reasonable person to suffer intimidation, annoyance or alarm.

Violation of 1 or 2 above is a Class D crime and violation of 3 is a Class E crime.

Public Law 1999, chapter 163 also specifies that is a defense to a prosecution that at the time of the laser pointer's use the person who pointed a laser pointer at another person was justified in threatening or using physical force upon the other person. Public Law 1999, chapter 163 further allows the State to confiscate laser pointers that constitute the basis for conviction.

Public Law 1999, chapter 163 was enacted as an emergency measure effective May 13, 1999.

LD 272

**Resolve, Establishing the Commission to Study High-speed Chases and
Emergency Responses**

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN O'GARA	OTP-AM	

LD 272 proposed to establish the Commission to Study High-speed Chases. As proposed, the commission would have consisted of the following 11 members: 2 Legislators, 2 members of the public and 7 law enforcement officials.

The bill proposed to require that the commission study current law enforcement policies governing the use of high-speed chases, the history of high-speed chases in Maine and other states' use of high-speed chases. The bill proposed to require that the commission report its findings to the Joint Standing Committee on Criminal Justice by December 1, 1999. The bill further proposed that the Joint Standing Committee on Criminal Justice may submit legislation in the Second Regular Session of the 119th Legislature to implement the commission's recommendations.