

# 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*

*Rep. Edward J. Povich, Chair  
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Rep. Christopher T. Muse  
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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](http://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 390**                      **An Act Defining Witness, Informant and Victim for the Crime of Tampering with a Witness, Informant or Victim Under the Criminal Code**                      **ONTP**

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

LD 390 proposed to define the terms "witness" and "informant" under the Maine Criminal Code. This bill also proposed to clarify the term "victim" for the crime of tampering with a witness, informant, victim or juror.

**LD 398**                      **An Act to Require the Revocation of Probation for a Person Convicted of Domestic Violence if the Person Fails to Attend a Certified Batterers' Intervention Program**                      **DIED IN CONCURRENCE**

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

LD 398 proposed to require that probation officers arrest and bring a motion to revoke the probation of a person who violates a condition of the person's probation requiring attendance in a certified batterers' intervention program. **Committee Amendment "A" (H-430)** was the minority report. The amendment proposed to add a fiscal note to the bill. This amendment was not adopted.

**LD 433**                      **An Act to Treat All Assaults on Law Enforcement Officers as Class C Crimes**                      **ONTP**

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

LD 433 proposed to make any assault on a law enforcement officer a Class C crime. Current law requires a law enforcement officer to suffer bodily injury for the crime of assault on an officer to have been committed. The bill proposed to expand this crime to allow offensive physical contact to meet the standard for a Class C crime.

**LD 436**                      **An Act to Establish an Appeal Process for Concealed Firearms Permit Applications and to Grant Reciprocity to Other States**                      **ONTP**

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

LD 436 proposed to allow appeals to the Commissioner of Public Safety of denials of concealed firearms permit applications. This bill also proposed to allow persons who are allowed to carry concealed firearms in other states to carry concealed firearms in this State without having to get a permit to do so in this State.

**LD 454**                      **An Act to Establish the Crime of Rendering a Telephone Inoperable during a Domestic Violence Incident**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MUSE DOUGLASS		

LD 454 proposes to make it a Class D crime for a person committing domestic abuse to cause a telephone to be inoperable during the commission of that abuse.

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

**LD 457**                      **An Act to Increase the Sanctions for Criminal Mischief Within a Correctional Facility**                      **PUBLIC 458**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY FERGUSON	OTP-AM	H-149

LD 457 proposed to require a sentence for criminal mischief or any other crime involving damage or destruction of government property within a state or county correctional facility to be nonconcurrent with the offender's original sentence.

This bill was submitted on behalf of the Department of Corrections.

**Committee Amendment "A" (H-149)** proposed to add a fiscal note to the bill.

*Enacted law summary*

Public Law 1999, chapter 458 requires a sentence for criminal mischief or any other crime involving damage or destruction of government property within a state or county correctional facility to be nonconcurrent with the offender's original sentence.

**LD 466**                      **An Act Concerning Payment of Medical Costs for Prisoners in County Correctional Facilities**                      **ONTP**