

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

SECOND REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
CRIMINAL JUSTICE**

JULY 2000

MEMBERS:

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

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ONE HUNDRED NINETEENTH LEGISLATURE
SECOND REGULAR SESSION

Summary Of Legislation Before The Joint Standing Committees
July 2000

We are pleased to provide this summary of 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:

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
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE..... Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE..... Bill failed to get majority vote
FAILED MANDATE ENACTMENT..... Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY..... Ruled out of order by the presiding officers; bill died
INDEF PP..... Bill Indefinitely Postponed
ONT P..... 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 Second Regular Session (unless otherwise specified in a particular law) is August 11, 2000.

David E. Boulter, Director
Offices Located in the State House, Rooms 101 & 107

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MUSE DOUGLASS	OTP-AM	H-921

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

Committee Amendment "A" (H-921) proposed to replace the bill and change the title. The amendment proposed to expand the warrantless arrest law to include criminal threatening, terrorizing, stalking, criminal mischief and obstructing the report of a crime or injury if the officer reasonably believes that the person and the victim are family or household members. The amendment also proposed to create the Class D crime of obstructing the report of a crime or injury. As proposed, a person would be guilty of obstructing the report of a crime or injury if that person intentionally, knowingly or recklessly disconnects, damages, disables, removes or uses physical force or intimidation to block access to a telephone, radio or other electronic communication device with the intent to obstruct, prevent or interfere with another person's report to a law enforcement agency or request for an ambulance or emergency medical assistance to a governmental agency, hospital, physician or other medical service provider. The amendment also proposed to add a fiscal note.

Enacted law summary

Public Law 1999, chapter 644 expands the warrantless arrest law to include criminal threatening, terrorizing, stalking, criminal mischief and obstructing the report of a crime or injury if the officer reasonably believes that the person and the victim are family or household members. Public Law 1999, chapter 644 also creates the Class D crime of obstructing the report of a crime or injury. A person is guilty of obstructing the report of a crime or injury if that person intentionally, knowingly or recklessly disconnects, damages, disables, removes or uses physical force or intimidation to block access to a telephone, radio or other electronic communication device with the intent to obstruct, prevent or interfere with another person's report to a law enforcement agency or request for an ambulance or emergency medical assistance to a governmental agency, hospital, physician or other medical service provider.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON AHEARNE	OTP-AM	S-511

LD 474 proposed to create a fourth alternative of murder. The bill proposed to make an assault of a child 4 years of age or younger that results in the child's death punishable as murder.

Committee Amendment "A" (S-511) proposed to replace the bill. The amendment proposed to require that in the first step of the sentencing process to determine the base sentence for a person convicted of

murder, attempted murder, manslaughter, elevated aggravated assault or aggravated assault of a child, the court assign special weight to the objective fact that the victim had not in fact attained 6 years of age. The amendment also proposed to require that the court, in the 2nd step of the sentencing process for attempted murder, manslaughter, elevated aggravated assault or aggravated assault of a child who had not in fact attained the age of 6 years or the 2nd and final step of the sentencing process for murder of a child who had not in fact attained the age of 6 years, assign special weight to any subjective victim impact. Finally, the amendment proposed to require that, in determining the final sentence for attempted murder, manslaughter, elevated aggravated assault or aggravated assault of a child who had not in fact attained the age of 6 years, the court may not suspend that portion of the sentence that is based on the objective or subjective victim impact as determined in steps one and 2 of the sentencing process. The amendment proposed to specify that these new directives to the court may not be construed to restrict the court in setting the term of imprisonment from considering the age of the victim in other circumstances when relevant.

Enacted law summary

Public Law 1999, chapter 536 requires that in the first step of the sentencing process to determine the base sentence for a person convicted of murder, attempted murder, manslaughter, elevated aggravated assault or aggravated assault of a child, the court assign special weight to the objective fact that the victim had not in fact attained 6 years of age. Public Law 1999, chapter 536 also requires that the court, in the 2nd step of the sentencing process for attempted murder, manslaughter, elevated aggravated assault or aggravated assault of a child who had not in fact attained the age of 6 years or the 2nd and final step of the sentencing process for murder of a child who had not in fact attained the age of 6 years, assign special weight to any subjective victim impact. Finally, Public Law 1999, chapter 536 requires that, in determining the final sentence for attempted murder, manslaughter, elevated aggravated assault or aggravated assault of a child who had not in fact attained the age of 6 years, the court may not suspend that portion of the sentence that is based on the objective or subjective victim impact as determined in steps one and 2 of the sentencing process. These new directives to the court may not be construed to restrict the court in setting the term of imprisonment from considering the age of the victim in other circumstances when relevant.

LD 546

An Act to Exempt Certain Law Enforcement Officers from the Full Course of Training at the Maine Criminal Justice Academy

PUBLIC 682

Sponsor(s)
PIEH
PINGREE

Committee Report
OTP-AM

Amendments Adopted
H-1016

LD 546 proposed to exempt harbor masters and municipal shellfish conservation wardens from the preservice law enforcement training at the Maine Criminal Justice Academy.

Committee Amendment "A" (H-1016) proposed to replace the bill. The amendment proposed to clarify that municipal shellfish conservation wardens and harbor masters are exempt from the basic law enforcement training requirements under the Maine Revised Statutes, Title 25, section 2804-C. The amendment proposed that, in addition to any other training that may be required by law, municipal shellfish conservation wardens and harbor masters who wish to make arrests or carry a firearm must successfully complete only the preservice law enforcement training requirements under Title 25, section 2804-B and the in-service law enforcement training requirements under Title 25, section 2804-E. The amendment also