

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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Rep. Roger D. Frechette

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).

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
ONT P.....	Ought Not To Pass report accepted
OT P ND.....	Committee report Ought To Pass In New Draft
OT P 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 637**An Act to Amend the Law Enforcement Officer Certification Standards CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURRAY MCALEVEY		

LD 637 proposes to delete references to training standards for part-time and full-time law enforcement officers approved by the Board of Trustees of the Maine Criminal Justice Academy. This bill proposes to require levels of certification to be based on the officer's demonstration of having acquired specific knowledge and skills directly related to job performance rather than full-time or part-time employment.

This bill was submitted on behalf of the Department of Public Safety.

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

LD 650**An Act to Amend the Crime of Theft by Deception to Include False Impressions as to Identity****PUBLIC 455**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACKINNON MCALEVEY	OTP-AM	S-60

LD 650 proposed to amend the current crime of theft by deception to make it clear that the crime is committed when a person obtains the property of another as a result of intentionally creating a false impression as to the offender's identity. As proposed, the crime is committed when, for example, utility services or credit is obtained through the intentional creation of the false impression as to identity.

Committee Amendment "A" (S-60) proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 455 amends the current crime of theft by deception to make it clear that the crime is committed when a person obtains the property of another as a result of intentionally creating a false impression as to the offender's identity.

LD 651**An Act to Prohibit Leaving a Child Alone in a Motor Vehicle****ONTP**

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

LD 651 proposed to make leaving a child under five years of age unattended in a motor vehicle a Class E crime.

LD 678**An Act to Require Completion of an Ambulance Operator Course****CARRIED OVER**

<u>Sponsor(s)</u> BULL KONTOS	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 678 proposes to require a person who routinely operates an ambulance to complete an ambulance operator course beginning January 1, 2002.

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

LD 684 **An Act to Allow for Continuing Law Enforcement Certification of the Commissioner of Public Safety and the Assistant to the Commissioner** **PUBLIC 114**

<u>Sponsor(s)</u> POVICH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-154
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LD 684 proposed to amend the duties of the Commissioner of Public Safety to allow a commissioner who has completed the basic law enforcement training course and who is certified by the Board of Trustees of the Maine Criminal Justice Academy to enforce the laws of the State. The bill also proposed to make minor technical changes.

This bill was submitted on behalf of the Department of Public Safety.

Committee Amendment "A" (H-154) proposed to retitle and replace the bill. Instead of giving the Commissioner of Public Safety law enforcement powers, the amendment proposed to provide that the certification of a commissioner or assistant to the commissioner who is a law enforcement officer does not lapse during the period the officer serves as commissioner or as assistant to the commissioner. Currently, the administrative rules of the Maine Criminal Justice Academy provide that preservice and basic law enforcement certification lapse if an officer terminates employment and is not employed full time in a law enforcement capacity for a period of four years after termination.

Enacted law summary

Public Law 1999, chapter 114 provides that Maine Criminal Justice Academy certification of a commissioner or assistant to the commissioner who is a law enforcement officer does not lapse during the period the officer serves as commissioner or as assistant to the commissioner.

LD 696 **An Act to Provide for Sentence Reform** **ONTP**

<u>Sponsor(s)</u> WATERHOUSE BENNETT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 696 proposed to require the court to set a life term of imprisonment for a person who is convicted of murder or a Class A, B or C crime and has two prior convictions for murder or a Class A, B or C crime.