

# 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](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.

Public Law 1999, chapter 13 removes the current directive that the trial court rather than the jury determine the question of materiality.

**LD 766**

**An Act to Clarify the Criminal Code Relative to Strict Liability Crimes**

**PUBLIC 23**

Sponsor(s)

Committee Report  
OTP

Amendments Adopted

LD 766 proposed to make 5 changes to the Maine Revised Statutes, Title 17-A, section 34:

1. Merge the substantive content of Title 17-A, section 34, subsection 5 in that of Title 17-A, section 34, subsection 4;
2. Expressly recognize in Title 17-A, section 34, subsection 4 that, in addition to specific elements of a crime not being accompanied by a culpable mental state by legislative design, the Legislature can also impose criminal liability relative to an entire criminal statute without requiring proof by the State of a culpable mental state as to any of the elements of that crime. See e.g., State v. Boyce, 1998 Me. 219, ¶4, 718 A.2d 1097, 1099 (depraved indifference murder); State v. Seamen's Club, 1997 Me. 70, ¶11, 691 A.2d 1248, 1252 (crime of possession of short lobsters).
3. Define "strict liability crime" in a new subsection 4-A in Title 17-A, section 34 and provide for its use in subsection 4 of that section as a nonexclusive legislative means of expressly signaling an intent to impose criminal liability without the State having to prove a culpable state of mind as to any of the elements of the crime;
4. Make Title 17-A, section 34 gender neutral; and
5. Enact Title 17-A, section 2, subsection 23-A to reference the section 34 definition of "strict liability crime."

This bill was submitted on behalf of the Criminal Law Advisory Commission.

***Enacted law summary***

Public Law 1999, chapter 23 does the following:

1. Merges the substantive content of Title 17-A, section 34, subsection 5 in that of Title 17-A, section 34, subsection 4;
2. Expressly recognizes in Title 17-A, section 34, subsection 4 that, in addition to specific elements of a crime not being accompanied by a culpable mental state by legislative design, the Legislature can also impose criminal liability relative to an entire criminal statute without requiring proof by the State of a culpable mental state as to any of the elements of that crime. See e.g., State v. Boyce, 1998 Me. 219, ¶4, 718 A.2d 1097, 1099 (depraved indifference murder); State v. Seamen's Club, 1997 Me. 70, ¶11, 691 A.2d 1248, 1252 (crime of possession of short lobsters).
3. Defines "strict liability crime" in a new subsection 4-A in Title 17-A, section 34 and provides for its use in subsection 4 of that section as a nonexclusive legislative means of expressly signaling an intent to impose criminal liability without the State having to prove a culpable state of mind as to any of the elements of the crime;
4. Makes Title 17-A, section 34 gender neutral; and
5. Enacts Title 17-A, section 2, subsection 23-A to reference the section 34 definition of "strict liability crime."