

# 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:**

*Sen. Robert E. Murray, Jr., Chair*

*Sen. William B. O'Gara*

*Sen. Paul T. Davis*

*Rep. Edward J. Povich, Chair*

*Rep. Roger D. Frechette*

*Rep. Christopher T. Muse*

*Rep. Nancy L. Chizmar*

*Rep. Michael W. Quint*

*Rep. Michael J. McAlevey*

*Rep. Judith B. Peavey*

*Rep. Julie Ann O'Brien*

*Rep. James H. Tobin, Jr.*

*Rep. Roger L. Sherman*

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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
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.

D crimes to Class C crimes if the State pleads and proves that at the time of a violation the offender has 2 or more convictions for these crimes or for essentially similar crimes in other jurisdictions. The amendment also proposed to add a fiscal note.

**Enacted law summary**

Public Law 1999, chapter 481 clarifies that the crimes of cruelty to animals and cruelty to birds require the offender to have an intentional, knowing or reckless state of mind. PL 1999, chapter 481 allows the State to aggravate the crimes of cruelty to animals and cruelty to birds from Class D crimes to Class C crimes if the State pleads and proves that at the time of a violation the offender has 2 or more convictions for these crimes or for essentially similar crimes in other jurisdictions.

**LD 1282**

**An Act to Make It a Class E Crime to Write a Check on a Closed Account**

**ONTP**

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

LD 1282 proposed to make writing a check on a closed account a Class E crime. The bill proposed to base the penalties on the number of prior offenses, instead of on value.

**LD 1293**

**An Act Concerning the Responsibility of County Sheriffs to Transport Juvenile Detainees**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHEELER E DAGGETT	ONTP	

LD 1293 proposed to clarify the sheriffs' duties to transport juvenile detainees to and from the Maine Youth Center and to or from a court house.

**LD 1320**

**An Act to Create a Penalty for the Intentional Transmission of a Sexually Transmitted Disease**

**ONTP**

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

LD 1320 proposed to make the transmission of a sexually transmitted disease a crime. As proposed, a person who knows or has reason to believe that the person is infected with a sexually transmitted disease commits a Class C crime if that person transmits that sexually transmitted disease to another person intentionally, knowingly, recklessly or with criminal negligence.

**LD 1330**

**An Act Concerning Corrections Employees**

**PUBLIC 459**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE	OTP-AM	S-307 S-423 MICHAUD

LD 1330 proposed to remove the provision of law that allowed the Commissioner of Corrections to hire intermittent employees.

**Committee Amendment "A" (S-307)** proposed to replace the bill. The amendment proposed to continue to allow the Commissioner of Corrections to hire intermittent employees, but it provides that intermittent positions in the institutional services unit must be identified through a separate agreement with labor and may be used only at the preidentified posts and sites. The amendment proposed that the use of intermittent employees for the purpose of overtime must be governed by an agreement between the parties. The amendment also proposed to add a fiscal note.

**Senate Amendment "A" to Committee Amendment "A" (S-423)** proposed to add necessary language, for fiscal year 1999-00 only, to grant the Department of Corrections the needed authority to establish intermittent positions. It also proposed to require the department to report to the Legislature by January 14, 2000 concerning utilization of that authority.

#### *Enacted law summary*

Public Law 1999, chapter 459 continues to allow the Commissioner of Corrections to hire intermittent employees, but it provides that intermittent positions in the institutional services unit must be identified through a separate agreement with labor and may be used only at the preidentified posts and sites. Use of intermittent employees for the purpose of overtime must be governed by an agreement between the parties.

Public Law 1999, chapter 459 also adds necessary language, for fiscal year 1999-00 only, to grant the Department of Corrections the needed authority to establish intermittent positions, and requires the department to report to the Legislature by January 14, 2000 concerning utilization of that authority.

### **LD 1334                      An Act Concerning the Distribution of Certain Fines and Forfeitures                      ONTP**

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

LD 1334 proposed to establish within the Department of the Attorney General the Tobacco Revenues Grants Committee, which has the authority to award to law enforcement agencies funds derived from one-half of the fines and forfeitures collected from persons found in violation of the retail tobacco sales law.

### **LD 1347                      An Act Addressing an Allegation of Prior Conviction When the Sentence Is Enhanced                      PUBLIC 196**

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

LD 1347 proposed to: