

# 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  
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Rep. Judith B. Peavey  
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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  
*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.

The bill proposed to add “sexually violent predator” as a new category of persons who must register.

The bill proposed to increase the type of identifying information for sex offenders and sexually violent predators that must be kept by the State Bureau of Identification and direct the bureau to forward registration information to the Federal Bureau of Investigation for inclusion in the national sex offender database. The bill proposed to set guidelines for sex offender responsibilities regarding registration and creates a Class D crime for failure to comply with sex offender registration requirements, which may be enhanced to a Class C crime if offender has 2 or more violations.

The bill also proposed that no changes be made to the current notification law and proposed to establish a provision to grant law enforcement officials immunity from liability for release of sex offender information.

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

**Committee Amendment "A" (S-332)** proposed to clarify which offenses fall under the definitions of "sex offender" and "sexually violent predator" for purposes of registration. The amendment also proposed to clarify that only a notation that an offender received treatment is necessary for purposes of registration. The amendment proposed to require sex offenders and sexually violent predators to pay an initial \$25 fee for registration and an annual \$25 fee on the anniversary of their registration for registration and domicile verification. The amendment also proposed to add an appropriation, an allocation and a fiscal note to the bill.

**House Amendment "A" (H-679)** was presented on behalf of the Committee on Engrossed Bills and proposed to correctly identify persons to whom the bill applies.

***Enacted law summary***

Public Law 1999, chapter 437 creates the Sex Offender Registration and Notification Act of 1999, which provides for the registration of sex offenders and sexually violent predators in order to conform with federal law. Public Law 1999, chapter 437 expands the scope of the definition of “sex offender” for purposes of registration to include juveniles and adults convicted of a sex offenses.

Public Law 1999, chapter 437 adds “sexually violent predator” as a new category of persons who must register.

Public Law 1999, chapter 437 increases the type of identifying information for sex offenders and sexually violent predators that must be kept by the State Bureau of Identification and directs the bureau to forward registration information to the Federal Bureau of Investigation for inclusion in the national sex offender database. Public Law 1999, chapter 437 sets guidelines for sex offender responsibilities regarding registration and creates a Class D crime for failure to comply with sex offender registration requirements, which may be enhanced to a Class C crime if offender has 2 or more violations.

Public Law 1999, chapter 437 requires sex offenders and sexually violent predators to pay a fee to cover the costs of registration and verification of registration.

Public Law 1999, chapter 437 does not change the current notification process.

**LD 1758**

**An Act to Amend the Victims' Compensation Fund Law**

**PUBLIC 360**

Sponsor(s)  
MCGLOCKLIN  
O'GARA

Committee Report  
OTP-AM

Amendments Adopted  
H-421  
H-465 POVICH

LD 1758 proposed to:

1. Expand the category of harm that gives rise to the application of laws under Victims' Compensation Fund to include psychological injury when the victim sustains bodily injury or a threat of bodily injury;
2. Provide coverage to victims of stalking, terrorizing and criminal threatening, including victims of domestic abuse;
3. Clarify the list of eligible expenses and losses and add costs of cleaning up a crime scene;
4. Remove the requirement of notarization of an application; and
5. Subject an applicant to the penalties for unsworn falsification.

This bill was the recommendation of the Attorney General.

**Committee Amendment "A" (H-421)** proposed to:

1. Strike superfluous language regarding bodily injury from the provision dealing with eligibility;
2. Provide that a signed application is effective under state law to authorize the release of health care and employment information. The signed application would comply with the Maine Revised Statutes, Title 22, section 1711-C, subsection 3;
3. Authorize the Department of the Attorney General to hire one Research Assistant to help administer the Victims' Compensation Fund; and
4. Add a fiscal note and an allocation provision to the bill.

**House Amendment "A" to Committee Amendment "A" (H-465)** proposed to change language regarding the circumstances under which a victim is eligible for compensation based on psychological injury from the Victims' Compensation Fund.

***Enacted law summary***

Public Law 1999, chapter 360 does the following:

1. Expands the category of harm that gives rise to the application of laws under Victims' Compensation Fund to include psychological injury when the victim sustains bodily injury or a threat of bodily injury.
2. Allows victims of stalking, terrorizing and criminal threatening, including victims of domestic abuse, to be eligible for benefits;
3. Clarifies the list of eligible expenses and losses and adds costs of cleaning up a crime scene;
4. Removes the requirement of notarization of an application;
5. Makes an applicant subject to the penalties for unsworn falsification;
6. Provides that a signed application is effective under state law to authorize the release of health care and employment information. The signed application would comply with the Maine Revised Statutes, Title 22, section 1711-C, subsection 3; and
7. Authorizes the Department of the Attorney General to hire one Research Assistant to help administer the Victims' Compensation Fund.