

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**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*

**Staff:**

*Marion Hylan Barr, Legislative Analyst*

*Office of Policy and Legal Analysis  
Room 101/107/135, 13 State House Station  
Augusta, ME 04333  
(207)287-1670*



**Maine State Legislature**  
**OFFICE OF POLICY AND LEGAL ANALYSIS**

13 State House Station, Augusta, Maine 04333-0013  
Telephone: (207) 287-1670  
Fax: (207) 287-1275

**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 266 allows law enforcement officers to summons a juvenile to court at the time of the juvenile's arrest.

**LD 1937**                      **An Act to Allow the State to Obtain a Defendant's Medical Records in Cases Involving OUI**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARRIMAN	ONTP      MAJ OTP-AM    MIN	

LD 1937 proposed to allow a defendant's hospital records that contain blood-alcohol results to be available to the State through ordinary discovery procedures. The bill also proposed to allow the discovery of any medical records related to the treatment of an injury suffered by a defendant who is charged with operating a motor vehicle or watercraft while intoxicated if the defendant denies culpability for the accident that caused the injury.

**Committee Amendment "A" (S-207)** was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to limit the discovery of medical records of the defendant to situations in which another person has suffered serious bodily injury or death. This amendment was not adopted.

**LD 1944**                      **An Act to Establish the Crime of Assault Against Sports Officials**                      **ONTP**

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

LD 1944 proposed to make assault against a sports official a Class C crime punishable by a fine of \$10,000 and imprisonment of not more than three years.

**LD 1996**                      **An Act to Allow the Forfeiture of Firearms Seized during a Lawful Search for Scheduled Drugs**                      **ONTP**

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

LD 1996 proposed to amend the firearms forfeiture laws to require a defendant who is convicted of a drug offense to forfeit, if the State requests, any firearm seized during a lawful search for drugs during which drugs were found.

**LD 2003**                      **An Act to Allow A Municipal Officer to Accept Forfeited Assets to Expedite the Administration of Drug Case Prosecution**                      **ONTP**

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

LD 2003 proposed to allow the municipal officers, rather than the voters at a town meeting, to accept a drug trafficker's forfeited assets as conveyed to the municipality by a court of law. As proposed, the change would expedite the closing of

drug prosecution cases that otherwise must remain open until the convening of the affected municipalities' town meetings.

LD 2011, An Act to Amend the Laws Regarding Asset Forfeiture, Public Law 1999, chapter 408 incorporates the changes proposed in LD 2003.

**LD 2009**                      **An Act to Redefine Trafficking and Furnishing of Heroin in Terms of the Amount of the Drug Possessed**                      **PUBLIC 453**

<u>Sponsor(s)</u> SCHNEIDER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-456
--------------------------------	--	-----------------------------------	--	------------------------------------

LD 2009 proposed to bring the treatment of heroin into conformity with the treatment of other similarly dangerous drugs under the criminal code and eliminate the concept of "presumption" as to intent. The bill proposed that the definition of "trafficking" include the possession of 2 or more grams or 90 or more packets of heroin with no further proof of intent needed. The bill proposed to amend the definition of "furnishing" to include the possession of one or more but less than 2 grams or 45 or more but less than 90 packets of heroin with no further proof of intent required. The bill does not propose to change current law in that possession of any amount of heroin with the intent to do any act in the Maine Revised Statutes, Title 17-A, section 1101, subsection 17, paragraph C continues to be "trafficking" and possession of any amount of heroin with the intent to do any act in Title 17-A, section 1101, subsection 18, paragraph A continues to be "furnishing." The bill also proposed to provide for the trafficking of 4 or more grams or more than 180 packets of heroin to be included in the offense of aggravated trafficking in or furnishing of scheduled drugs, also to bring the treatment of heroin in line with the treatment of cocaine and cocaine base. The amounts of heroin referred to in the bill, 45, 90 and 180 packets, relate to the common practice of selling heroin in increments of 50 packets and the tendency of addict-traffickers to consume several packets of the drug during the trip from the source city, usually out of state, to their place of residence in Maine.

**Committee Amendment "A" (H-456)** proposed to change from 4 grams to 6 grams and from 180 bags to 270 bags the amount of heroin required for aggravated trafficking or furnishing. The amendment also proposed to add a fiscal note to the bill.

***Enacted law summary***

Public Law 1999, chapter 453 brings the treatment of heroin into conformity with the treatment of other similarly dangerous drugs under the criminal code and eliminates the concept of "presumption" as to intent. Public Law 1999, chapter 453 provides for the definition of "trafficking" to include the possession of 2 or more grams or 90 or more packets of heroin with no further proof of intent needed. The definition of "furnishing" is amended to include the possession of one or more but less than 2 grams or 45 or more but less than 90 packets of heroin with no further proof of intent required. Public Law 1999, chapter 453 does not change current law in that possession of any amount of heroin with the intent to do any act in the Maine Revised Statutes, Title 17-A, section 1101, subsection 17, paragraph C continues to be "trafficking" and possession of any amount of heroin with the intent to do any act in Title 17-A, section 1101, subsection 18, paragraph A continues to be "furnishing." Public Law 1999, chapter 453 also provides for the trafficking of 4 or more grams or more than 180 packets of heroin to be included in the offense of aggravated trafficking in or furnishing of scheduled drugs, also to bring the treatment of heroin in line with the treatment of cocaine and cocaine base.