

# 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. 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
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.

Public Law 1999, chapter 374 creates the new crime of marijuana cultivation and eliminates the inclusion of growing or cultivating marijuana under the crime of trafficking. The penalties for the new crime of marijuana cultivation are the same as they had been when included under the offense of trafficking. Marijuana cultivation is treated the same as trafficking for purposes of aggravation of charges under the Maine Revised Statutes, Title 17-A, section 1105. Public Law 1999, chapter 374 also specifies that it is a Class E crime to grow or cultivate 5 or fewer plants.

Public Law 1999, chapter 374 incorporates LD 48, “An Act to Amend the Definition of “Traffick” in the Drug Laws.”

Note: LD 2255, An Act to Make Corrections to Laws Recently Enacted by the 119th Legislature, Public Law 1999, chapter 531 corrects conflicts that were created when P. L. 1999, c. 374 and other drug laws were enacted simultaneously.

## LD 2018

### An Act to Simplify the Rule of Reasonable Belief in the Maine Criminal Code

PUBLIC 358

Sponsor(s)

Committee Report  
OTP

Amendments Adopted

LD 2018 proposed to provide that in the event a defense is precluded solely because the statutory requirement that the person's belief be reasonable has not been met, conviction of a crime for which recklessness or criminal negligence suffices is nonetheless available to the State if the State can prove beyond a reasonable doubt to the fact finder that the person's holding of the belief is grossly deviant from what a reasonable and prudent person would believe in the same situation. As proposed, the modification would eliminate the current requirement that holding the belief be analyzed under the distinct culpable mental states of acting "recklessly" or with "criminal negligence," as defined in the Maine Revised Statutes, Maine Criminal Code, Section 35, and also the further requirement for criminal liability that the crime charged be satisfied by the same culpable mental state. See, e.g., *State v. Davis*, 528 A.2d 1267, 1269-1270 (Me. 1987) (in the context of a self-defense claim in an assault case); *State v. Lagasse*, 410 A.2d 537, 543 (Me. 1980) (in the context of a self-defense claim in a manslaughter case).

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

#### *Enacted law summary*

Public Law 1999, chapter 358 provides that in the event a defense is precluded solely because the statutory requirement that the person's belief be reasonable has not been met, conviction of a crime for which recklessness or criminal negligence suffices is nonetheless available to the State if the State can prove beyond a reasonable doubt to the fact finder that the person's holding of the belief is grossly deviant from what a reasonable and prudent person would believe in the same situation. The modification eliminates the current requirement that holding the belief be analyzed under the distinct culpable mental states of acting "recklessly" or with "criminal negligence," as defined in the Maine Revised Statutes, Maine Criminal Code, Section 35, and also the further requirement for criminal liability that the crime charged be satisfied by the same culpable mental state.

## LD 2019

### An Act to Remove the Statute of Limitations for Unlawful Sexual Contact and Sexual Abuse of Minors

PUBLIC 438

Sponsor(s)  
SAXL M

Committee Report  
OTP-AM

Amendments Adopted  
H-536