

# 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  
*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.

LD 2019 proposed to eliminate the statute of limitations for criminal prosecution for unlawful sexual contact or sexual abuse of minors if the victim was under the age of 16, or 18 if the perpetrator was a school employee.

**Committee Amendment "A" (H-536)** proposed to eliminate the statute of limitations for criminal prosecution for unlawful sexual contact or sexual abuse of minors if the victim was under the age of 16. The amendment also proposed to add an application section and a fiscal note to the bill.

*Enacted law summary*

Public Law 1999, chapter 438 eliminates the statute of limitations for criminal prosecution for unlawful sexual contact or sexual abuse of minors if the victim was under the age of 16. Public Law 1999, chapter 585 similarly eliminated the statute of limitations for criminal prosecution for gross sexual assault or incest if the victim was under the age of 16 at the time of the crime.

**LD 2021**

**Resolve, to Establish the Commission to Propose an Alternative Process for Forensic Examinations for Sexual Assault Victims**

**RESOLVE 84  
EMERGENCY**

Sponsor(s)  
NORBERT  
LONGLEY

Committee Report  
OTP-AM

Amendments Adopted  
H-455  
S-232 MURRAY  
S-457 MICHAUD

LD 2021 was a concept bill draft pursuant to Joint Rule 208. This bill proposed to establish an alternative process for providing forensic examinations, medical treatment and reimbursement for these services to sexual assault victims.

**Committee Amendment "A" (H-455)** proposed to replace the bill. The amendment proposed to create a resolve to establish the Commission to Propose an Alternative Process for Forensic Examinations for Sexual Assault Victims. As proposed, the commission, with the assistance of experts and interested parties, would review the current process for providing forensic examinations, medical treatment and reimbursement for these services to sexual assault victims; identify needs of sexual assault victims; review other states' processes for providing forensic examinations; and make necessary recommendations to propose changes to the State's current process. The amendment proposed that the commission report its findings to the Joint Standing Committee on Criminal Justice by December 15, 1999. The amendment also proposed to add a fiscal note to the resolve.

**Senate Amendment "A" to Committee Amendment "A" (S-232)** proposed to change the membership of the Commission to Propose an Alternative Process for Forensic Examinations for Sexual Assault Victims by removing the President of the Maine Association of Criminal Defense Lawyers and adding the Executive Director of the Maine Hospital Association.

**Senate Amendment "B" to Committee Amendment "A" (S-457)** proposed to clarify that, following the receipt of the commission's report, the Joint Standing Committee on Criminal Justice may report out a bill to the Second Regular Session of the 119th Legislature. The amendment also proposed to strike language that entitles members other than Legislators to a per diem equal to the legislative per diem.

*Enacted law summary*

Resolve 1999, chapter 84 establishes the Commission to Propose an Alternative Process for Forensic Examinations for Sexual Assault Victims. The commission, with the assistance of experts and interested parties, is required to review the current process for providing forensic examinations, medical treatment and reimbursement for these services to sexual assault victims; identify needs of sexual assault victims; review other states' processes for providing forensic

examinations; and make necessary recommendations to propose changes to the State's current process. The commission shall report its findings to the Joint Standing Committee on Criminal Justice by December 15, 1999.

Resolve 1999, chapter 84 was enacted as an emergency measure effective June 17, 1999.

**LD 2031**                      **An Act to Amend the Laws Relating to Issuance of a Warrant in the Name of the District Court**                      **PUBLIC 368**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 2031 proposed to eliminate the current bar, absent consent by the defendant, to a Judge of the District Court sitting at the trial stage in a criminal matter as to which that judge issued before the trial a warrant for the arrest of the defendant based upon a finding of probable cause for that charged crime. It also proposed to provide that when an information charging a person with the commission of an offense is presented to any judge of the District Court, to a justice of the peace or to any other officer of the District Court authorized to issue process, the judge, justice of the peace or other officer shall issue a warrant in the name of the District Court for the arrest of that person. An information, like a criminal complaint, is a charging instrument utilized in the District Court. Finally, the bill proposed to remove additional language now addressed in the Maine Code of Judicial Conduct, the Code of Professional Responsibility and the Maine Rules of Criminal Procedure.

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

***Enacted law summary***

Public Law 1999, chapter 368 eliminates the current bar, absent consent by the defendant, to a Judge of the District Court sitting at the trial stage in a criminal matter as to which that judge issued before the trial a warrant for the arrest of the defendant based upon a finding of probable cause for that charged crime. It also provides that when an information charging a person with the commission of an offense is presented to any judge of the District Court, to a justice of the peace or to any other officer of the District Court authorized to issue process, the judge, justice of the peace or other officer shall issue a warrant in the name of the District Court for the arrest of that person. Finally, Public Law 1999, chapter 368 removes additional language now addressed in the Maine Code of Judicial Conduct, the Code of Professional Responsibility and the Maine Rules of Criminal Procedure.

**LD 2069**                      **An Act to Establish a Critical Incident Review Panel Regarding Physical Force Used by Officers Causing Serious Bodily Injury or Death to Another Person**                      **CARRIED OVER**

<u>Sponsor(s)</u> LAVERDIERE		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 2069 proposes to require that any investigation conducted by the Attorney General or a law enforcement agency of any incident in which a law enforcement officer used physical force in performing that officer's duties that resulted in serious bodily injury or death to another person be completed within 30 days.

The bill also proposes to establish a critical incident review panel to review the use of physical force by law enforcement or corrections officers that results in serious bodily injury or death to another person.