

# 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:**

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Sen. William B. O'Gara  
Sen. Paul T. Davis*

*Rep. Edward J. Povich, Chair  
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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.

This bill has been carried over to the Second Regular Session.

**LD 2070**

**An Act to Protect Library Materials in Circulation**

**PUBLIC 262**

|                                        |                                   |                                    |
|----------------------------------------|-----------------------------------|------------------------------------|
| <u>Sponsor(s)</u><br>DUNLAP<br>DAVIS P | <u>Committee Report</u><br>OTP-AM | <u>Amendments Adopted</u><br>H-416 |
|----------------------------------------|-----------------------------------|------------------------------------|

LD 2070 proposed to protect library and museum materials possessed by a person pursuant to a borrower's agreement by clarifying that unlawful retention of these materials is theft. It also proposed to create a new crime, "theft or destruction of institutional property." As proposed, a person is guilty of this crime if the person takes, uses or exercises control over or defaces or destroys property of a library, school, college, museum, church or public institution. The class of crime is based on the value of property and whether it can be replaced. The bill also proposed that as an alternative to criminal prosecution, an offender may be charged with a civil violation and the court must order restitution.

**Committee Amendment "A" (H-416)** proposed to rename the title to reflect the scope of the bill and strike the provision that created the new crime, theft or destruction of institutional property. The amendment also proposed to add a fiscal note to the bill.

*Enacted law summary*

Public Law 1999, chapter 262 protects library and museum materials possessed by a person pursuant to a borrower's agreement by clarifying that unlawful retention of these materials is theft.

**LD 2093**

**An Act to Authorize the Disposition of Forfeited Firearms**

**ONTP**

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

LD 2093 proposed to set the guidelines by which a law enforcement agency may dispose of a forfeited firearm. The Criminal Justice Committee dealt with issues relating to forfeited firearms in LD 99, An Act to Require Auctions for Confiscated Firearms, that was enacted as Public Law 1999, chapter 47.

**LD 2098**

**An Act to Improve the Safety of Firefighters**

**ONTP**

|                                            |                                 |                           |
|--------------------------------------------|---------------------------------|---------------------------|
| <u>Sponsor(s)</u><br>DUPLESSIE<br>DOUGLASS | <u>Committee Report</u><br>ONTP | <u>Amendments Adopted</u> |
|--------------------------------------------|---------------------------------|---------------------------|

LD 2098 proposed to require structures that use trusses in the floor or roof or parts of the floor or roof to display an emblem on the building signifying that construction and the materials used in the truss construction. As proposed, the purpose is to increase the protection to firefighters by informing them that trusses are present. As proposed, a violation for noncompliance is a Class E crime.

The bill also proposed to provide a voluntary statewide recommendation for a uniform program of identifying dangerous or vacant properties to further protect firefighters.