

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

SECOND REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
CRIMINAL JUSTICE**

JULY 2000

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ONE HUNDRED NINETEENTH LEGISLATURE
SECOND REGULAR SESSION

Summary Of Legislation Before The Joint Standing Committees
July 2000

We are pleased to provide this summary of 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).

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:

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
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE..... Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE..... Bill failed to get majority vote
FAILED MANDATE ENACTMENT..... Bill imposing local mandate failed to get 2/3 vote
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 Second Regular Session (unless otherwise specified in a particular law) is August 11, 2000.

David E. Boulter, Director
Offices Located in the State House, Rooms 101 & 107

LD 2174 proposed that an item bearing a counterfeit mark or used in connection with a violation of this section must be seized by a law enforcement officer.

Committee Amendment "A" (S-612) proposed to replace the bill. The amendment proposed to amend provisions dealing with deceptive business practices under the fraud provisions of the Maine Criminal Code. The amendment proposed to specify that "mislabeled" for the purposes of the deceptive business practices law includes counterfeiting or unauthorized reproducing of a trademark.

This amendment proposed to add to the deceptive business practices law a seizure provision that specifies that any item that bears marks in violation of that law or any property that was used in or can be connected to the violation is contraband and may be seized by a law enforcement officer.

The amendment proposed to establish the Commission to Study Counterfeiting and the Unauthorized Sale of Consumer Goods and Labels. The amendment proposed that the commission's duties include examining the effect of counterfeit goods in this State, including the effect of counterfeit Universal Price Code labels on state revenue, losses to merchants and manufacturers of legitimate goods and the impact on consumers; examining the sale of consumer products at unused property sales and flea markets, including whether these sales are authorized and the potentially harmful consequences of the sale of these products; and examining whether current state law acts as an appropriate deterrent or imposes sufficient sanctions for such conduct. The amendment proposed that the commission report its findings and any recommended legislation to the First Regular Session of the 120th Legislature by December 1, 2000.

This amendment also proposed to add an appropriation and a fiscal note.

Senate Amendment "A" to Committee Amendment "A" (S-781) proposed to remove the language establishing the Commission to Study Counterfeiting and the Unauthorized Sale of Consumer Goods and Labels and the appropriation for that commission.

Enacted law summary

Public Law 1999, chapter 767 amends provisions dealing with deceptive business practices under the fraud provisions of the Maine Criminal Code. Public Law 1999, chapter 767 specifies that "mislabeled" for the purposes of the deceptive business practices law includes counterfeiting or unauthorized reproducing of a trademark.

Public Law 1999, chapter 767 adds to the deceptive business practices law a seizure provision that specifies that any item that bears marks in violation of that law or any property that was used in or can be connected to the violation is contraband and may be seized by a law enforcement officer.

Public Law 1999, chapter 767 was enacted as an emergency measure effective May 8, 2000.