

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

Resolve 1999, chapter 103 specifies that final adoption of Chapter 6: Certification of Law Enforcement Officers, a provisionally adopted major substantive rule of the Maine Criminal Justice Academy regarding part-time law enforcement officers, is not authorized.

LD 2651

Resolve, to Establish the Commission to Study Domestic Violence

**RESOLVE 126
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY MITCHELL B	OTP-AM	H-1017 S-779 MICHAUD

LD 2651 proposed to establish the Commission to Study Domestic Violence and to require the commission to study the problem of domestic violence and to determine methods of alleviating this problem through: better communication among the courts, law enforcement and other government agencies; stricter bail and probation conditions; education in elementary and secondary schools; and improved procedures for domestic violence cases from investigation to sentencing. The bill proposed to require the commission to submit a report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters for consideration in the Second Regular Session of the 120th Legislature.

Committee Amendment "A" (H-1017) proposed to change the membership to include one Senate member and one House member who serve on the Joint Standing Committee on Judiciary. The amendment proposed to clarify that the member who is a clerk works in the District Court. The amendment also proposed to add a survivor of domestic violence and the chair of the Maine Association of Batterers Intervention Programs and to replace the Commissioner of Public Safety with the Chief of the State Police. The amendment proposed to clarify that legislative members serve only while Legislators, and if necessary, the presiding officers appoint new legislative members.

The amendment proposed to narrow the commission's duties by eliminating those duties related to education and sentencing.

The amendment also proposed to add a fiscal note to the resolve.

Senate Amendment "A" to Committee Amendment "A" (S-779) proposed to replace Committee Amendment "A" (H-1017). The amendment proposed to keep provisions in Committee Amendment "A" (H-1017) and to add the Commissioner of Human Services or the commissioner's designee to the membership of the commission and to require the President of the Senate and the Speaker of the House to give preference to members of the Joint Standing Committee on Criminal Justice and the Joint Standing Committee on Judiciary when making appointments to the commission.

Enacted law summary

Resolve 1999, chapter 126 establishes the Commission to Study Domestic Violence. The commission's duties include determining methods to: alleviate domestic violence through better communication among the courts, law enforcement and other government agencies; create stricter bail and probation conditions; and provide improved procedures for the investigation and prosecution of domestic violence cases. The commission is required to submit a report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters for consideration in the Second Regular Session of the 120th

Legislature, and that committee may submit a bill to the Second Regular Session of the 120th Legislature to implement the commission's recommendations.

Resolve 1999, chapter 126 was finally passed as an emergency measure effective May 8, 2000.

LD 2672

An Act to Amend the Unlawful Sexual Contact Penalties

ONTP

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

LD 2672 proposed to make unlawful sexual contact with a person under 12 years of age a Class C crime.

Committee Amendment "A" (H-1101) proposed to replace the bill and was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to create a mandatory sentencing alternative of 5 years of imprisonment, of which none may be suspended, for a violation of the unlawful sexual contact statute if: the victim, who is not the actor's spouse, has not in fact attained the age of 14 years of age and the actor is at least 3 years older; the victim has not in fact attained 18 years of age and the actor is a parent, guardian or person responsible for the long-term care of that other person; or the victim submits as a result of compulsion. The amendment also proposed to add a fiscal note. This amendment was not adopted.

LD 2673

An Act to Implement the Recommendations of the Commission to Propose an Alternative Process for Forensic Examinations for Sexual Assault Victims

**PUBLIC 719
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		S-674 MICHAUD

LD 2673 was proposed pursuant to Resolve 1999, chapter 84 by the Joint Standing Committee on Criminal Justice to implement the recommendations of the Commission to Propose an Alternative Process for Forensic Examinations for Sexual Assault Victims. The bill proposed to outline the responsibilities of the Victims' Compensation Board, hospitals and health care practitioners and law enforcement agencies in regards to forensic examinations of alleged victims of gross sexual assault.

Senate Amendment "A" (S-674) proposed to remove the appropriation from the General Fund and the allocation from the Highway Fund to the Bureau of State Police that provided funding for the costs of providing forensic examination kits to hospitals and health care practitioners.

Enacted law summary

Public Law 1999, chapter 719 implements the recommendations of the Commission to Propose an Alternative Process for Forensic Examinations for Sexual Assault Victims, which was established pursuant to Resolve 1999, chapter 84. The legislation was submitted by the Joint Standing Committee on Criminal Justice. Public Law 1999, Chapter 719 outlines the responsibilities of the Victims' Compensation Board,