

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

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,

hospitals and health care practitioners and law enforcement agencies in regards to forensic examinations of alleged victims of gross sexual assault.

Public Law 1999, chapter 719 requires the Victims' Compensation Board to pay for all forensic examinations conducted on or after November 1, 2000 from the Victims' Compensation Fund and to track expenditures for forensic examinations separately. The board shall determine by rule what a forensic examination may include for purposes of payment. An examination must include at least all services directly related to the gathering of forensic evidence and related testing and treatment for pregnancy and sexually transmitted diseases. Forensic examination payments are not subject to any other provision of the victims' compensation program and are not considered payments to victims for purposes of the cap.

Public Law 1999, chapter 719 directs the Department of Public Safety to determine by rule what a standardized forensic examination kit includes and to furnish the kits to hospitals and health care practitioners who perform forensic examinations of alleged victims of gross sexual assault.

A hospital or health care practitioner that completes a forensic examination shall bill the Victims' Compensation Board directly for payment. The board shall pay the hospital or health care practitioner the actual costs of the examination up to a maximum of \$500. Hospitals and health care practitioners performing forensic examinations shall use uniform kits developed and furnished by the Department of Public Safety. A victim is not required to report the alleged offense to law enforcement in order for the board to pay for the examination. If an alleged victim of gross sexual assault has a forensic examination but has not reported the alleged offense to a law enforcement agency when the examination is complete, the hospital or health care practitioner that completed the forensic examination shall notify the nearest law enforcement agency. That law enforcement agency shall transport the completed kit, identified only by a tracking number assigned by the hospital or health care practitioner, to its evidence storage facility and shall store the kit for at least 90 days from the time of receipt. If the victim reports the offense during the 90 days, the victim may contact the hospital or health care practitioner to determine the tracking number and which law enforcement agency is storing the kit. The law enforcement agency then shall transport the kit to the Maine State Police Crime Laboratory. If the victim reports the alleged offense to a law enforcement agency by the time the examination is complete, the investigating law enforcement agency shall transport the kit directly to the Maine State Police Crime Laboratory.

Public Law 1999, chapter 719 also requires district attorneys to pay the expense of the analysis of a drug or alcohol test performed as part of the forensic examination to obtain evidence for the prosecution.

Public Law 1999, chapter 719 was enacted as an emergency measure effective April 14, 2000, in order to give the Victims' Compensation Board and the Department of Public Safety time to adopt the rules required under this Act and so that payment for all forensic examinations for alleged victims of gross sexual assault conducted on or after November 1, 2000 will be made by the Victims' Compensation Board.

LD 2685

**An Act to Implement the Recommendations of the Commission to
Consider the Enhancement of Fire Protection Services Throughout
the State**

INDEF PP

Sponsor(s)

Committee Report

Amendments Adopted