

MAINE STATE LEGISLATURE

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*State Of Maine
120th Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Criminal Justice*

August 2001

Members:

*Sen. Michael J. McAlevey, Chair
Sen. William B. O'Gara
Sen. Paul T. Davis*

*Rep. Edward J. Povich, Chair
Rep. Michael W. Quint
Rep. Charles E. Mitchell
Rep. Lillian LaFontaine O'Brien
Rep. Patricia A. Blanchette
Rep. Stanley J. Gerzofsky
Rep. Judith B. Peavey
Rep. Edgar Wheeler
Rep. James H. Tobin, Jr.
Rep. Lois A. Snowe-Mello*

Staff:

*Marion Hylan Barr, Legislative Analyst
Jon Clark, Senior Analyst*

*Office of Policy and Legal Analysis
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

120th Legislature
First Regular Session

Summary Of Legislation Before The Joint Standing Committees
August 2001

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 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:

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*
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 First Regular Session (unless otherwise specified in a particular law) is **September 21, 2001**.

David E. Boulter, Director
 Offices Located in the State House, Rooms 101/107/135

Joint Standing Committee on Criminal Justice

LD 5

An Act to Correct a Reference in the Maine Juvenile Code

PUBLIC 4

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 5 proposed to replace the outdated reference to the Maine District Court Criminal Rules with that of the Maine Rules of Criminal Procedure. In 1989, the Maine District Court Criminal Rules were abrogated and the substance of the Maine District Court Criminal Rule 4 was carried forward into the Maine Rules of Criminal Procedure, Rule 4.

Enacted law summary

Public Law 2001, chapter 4 replaces the outdated reference to the Maine District Court Criminal Rules with that of the Maine Rules of Criminal Procedure. In 1989, the Maine District Court Criminal Rules were abrogated and the substance of the Maine District Court Criminal Rule 4 was carried forward into the Maine Rules of Criminal Procedure, Rule 4. This law was proposed by the Criminal Law Advisory Commission.

LD 93

An Act to Implement the Recommendations that Relate to Juvenile and Criminal Law of the Joint Study Committee to Study Bomb Threats in Maine Schools

ONTP

Sponsor(s)

Committee Report
ONTP

Amendments Adopted

LD 93, which was part of the majority report of the Joint Study Committee to Study Bomb Threats in Maine Schools, proposed to amend both the Maine Juvenile Code and the Maine Criminal Code for juveniles or adults who are 18 or 19 years of age and who are involved in making a bomb threat to a school. The bill proposed to:

1. Amend the Maine Juvenile Code to require the juvenile court to give scheduling priority to juvenile criminal cases involving making a bomb threat to a school;
2. Amend the Maine Juvenile Code to require the date of initial court appearance for a juvenile involved in making a bomb threat to a school to occur no later than 30 days after a juvenile community corrections officer receives the law enforcement officer's report on that case;
3. Require that the court suspend, revoke or deny issuance of driver's, occupational and recreational licenses to persons up to 20 years of age who are adjudicated or convicted of crimes involving making a bomb threat to a school. As proposed, licenses suspended, revoked or denied issuance under this subsection could not be issued or reissued until the person attained 20 years of age;
4. Require the Secretary of State to suspend the license or permit of any person determined to have made a bomb threat to a school pending final disposition of the case by the court;

Joint Standing Committee on Criminal Justice

5. Require that the parent, guardian or legal custodian of a juvenile charged with committing a juvenile crime involving making a bomb threat to a school attend all juvenile court proceedings; and
6. Amend the restitution law to allow a court to order the parent, guardian or legal custodian of a juvenile adjudicated of a crime involving making a bomb threat to a school to make restitution of up to \$10,000 to the school departments, municipal governments, county governments or state agencies that incur costs in responding to the bomb threat.

LD 94 **An Act to Implement the Minority Recommendations Relating to** **ONTP**
Criminal and Juvenile Law of the Joint Study Committee to Study
Bomb Threats in Maine Schools

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		ONTP		

LD 94 was the minority report of the Joint Study Committee to Study Bomb Threats in Maine Schools. It proposed to amend both the Maine Juvenile Code and the Maine Criminal Code. The bill would have allowed the court to suspend, revoke or deny issuance of driver's licenses and permits and occupational and recreational licenses to persons up to and including 19 years of age who were adjudicated or convicted of crimes involving making a bomb threat to a school. Licenses suspended, revoked or denied issuance would have been suspended, revoked or denied for a period not to exceed 3 years.

LD 125 **An Act to Specify That Possession of Sexually Explicit Materials by** **PUBLIC 412**
Way of the Internet is Criminal

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP-AM		H-17

LD 125 proposed to amend the Maine Revised Statutes, Title 17, section 2924, which establishes the crime of possession of sexually explicit materials, to expressly criminalize possession of sexually explicit materials that have come into a person's possession by way of the Internet. The bill proposed to bring Title 17, section 2924 into conformity with changes previously made by Public Law 1999, chapter 444 to Title 17, section 2921, subsections 2 and 4 and Title 17, section 2923, subsections 1 and 2.

Committee Amendment "A" (H-17) proposed to make all provisions regarding sexually explicit materials consistent by including computer data files to the types of material regulated under the bill. This amendment also proposed to add a fiscal note.

Enacted law summary