

# 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*

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**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](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*  
*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

Public Law 2001, chapter 412 amends 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 and makes all provisions regarding sexually explicit materials consistent by including computer data files in the types of material regulated under the law. This law was proposed by the Criminal Law Advisory Commission.

**LD 130**                      **An Act to Amend the Law Pertaining to the Maine Community Policing Institute Surcharge Fund**                      **PUBLIC 51**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY MAYO	OTP-AM	S-21

LD 130 proposed to eliminate the repeal in order to allow the continuation of the Maine Community Policing Institute Surcharge Fund. Under current law, the Maine Community Policing Institute Surcharge Fund would be repealed September 30, 2001.

### *Enacted law summary*

Public Law 2001, chapter 51 extends the repeal date for the Maine Community Policing Institute Surcharge Fund from September 30, 2001 to September 30, 2003.

**LD 132**                      **Resolve, to Establish a Cold Case Homicide Squad within the Department of Public Safety**                      **ONTP**

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

LD 132 proposed to direct the Department of Public Safety to form a cold case homicide squad for the purpose of working on unsolved murders. (See committee bill LD 1743.)

**LD 170**                      **An Act to Amend the Laws Regarding Sex Offender Registration**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN J MCALEVEY	ONTP	

LD 170 proposed to provide that a person sentenced as a sex offender or a sexually violent predator on or after September 1, 1985 would be subject to the Sex Offender Registration and Notification Act of 1999.

## Joint Standing Committee on Criminal Justice

Current law provides that a person sentenced as a sex offender or a sexually violent predator on or after September 18, 1999 is subject to the Sex Offender Registration and Notification Act of 1999.

**LD 186**                      **An Act to Exempt from Concealed Firearms Permit Requirements  
Residents of Other States Allowed to Carry Concealed Firearms**                      **ONTP**

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

LD 186 proposed to allow persons who are allowed to carry concealed firearms in other states to carry concealed firearms in this State without having to get a permit to do so.

**LD 233**                      **An Act to Criminalize the Possession of Theft Tools**                      **ONTP**

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

LD 233 proposed to prohibit the possession or transfer of tools used to commit theft.

**LD 259**                      **An Act to Offer Reciprocity Concerning Concealed Firearms  
Permits**                      **PUBLIC 459**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERKINS DAVIS P	OTP-AM    MAJ ONTP        MIN	H-213 S-324    MILLS

LD 259 proposed to allow a person to carry a concealed firearm in the State if that person has a concealed firearms permit from another state or country and the permit to carry a concealed firearm from that state or country is granted reciprocity. Reciprocity could be granted to a permit to carry a concealed firearm from another state or country if:

1. The other state or country that issued the permit to carry a concealed firearm has substantially equivalent or stricter requirements for the issuance of a permit to carry a concealed firearm; and
2. The other state or country that issued the permit to carry a concealed firearm observes the same rules of reciprocity in regards to a person issued a permit to carry a concealed firearm under Maine law.

**Committee Amendment "A" (H-213)** was the majority report of the Joint Standing Committee on Criminal Justice and proposed to strike language that would allow reciprocity agreements with other countries and clarify