

# 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:

<i>CARRIED OVER</i> .....	<i>Bill Carried Over to Second Regular Session</i>
<i>CON RES XXX</i> .....	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i> .....	<i>House &amp; Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i> .....	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i> .....	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i> .....	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i> .....	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i> .....	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i> .....	<i>Ought Not To Pass report accepted</i>
<i>OTP ND</i> .....	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i> .....	<i>Committee report Ought To Pass In New Draft/New Title</i>
<i>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PUBLIC XXX</i> .....	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i> .....	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i> .....	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's Veto</i>

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

each story above the first story of a boardinghouse or lodging house accommodating more than 6 persons have more than one exit, either by stairways on the inside or fire escapes on the outside of the building.

**Committee Amendment "A" (H-28)** replaced the bill and proposed to eliminate references to boardinghouses and lodging houses in the provision of law regarding more than one means of egress. The effect of this change for lodging houses, also known as bed and breakfasts, would be to permit them to follow less stringent standards contained in the new National Fire Protection Association Life Safety Code 101 if they have a sprinkler system. Boardinghouses are regulated by a different provision of law and are subject to more stringent requirements than contained in this section of law.

### *Enacted law summary*

Public Law 2001, chapter 31 allows lodging houses, also known as bed and breakfasts, to follow minimum egress standards contained in the new National Fire Protection Association Life Safety Code 101 if they have a sprinkler system.

### **LD 277**

### **An Act to Amend the Standards Regarding the Endangerment of the Welfare of a Dependent Person**

**PUBLIC 111**

Sponsor(s)  
MCALEVEY  
POVICH

Committee Report  
OTP-AM

Amendments Adopted  
S-75

LD 277 proposed to amend the law governing when a person is guilty of endangering the welfare of a dependent person by changing the standard to reckless endangerment rather than intentional endangerment. This change proposed to make the standard applied to culpability for endangerment of the welfare of a dependent person parallel to that applied in the law regarding child endangerment.

**Committee Amendment "A" (S-75)** proposed to specify that the culpable state of mind required for a person to endanger the welfare of a dependent person may be "intentionally," "knowingly" or "recklessly." The amendment also proposed to clarify that, for purposes of endangerment of a dependent person, a legal duty may be inferred if the defendant had assumed responsibility for the care of the dependent person.

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

### *Enacted law summary*

Public Law 2001, chapter 111 amends the law governing when a person is guilty of endangering the welfare of a dependent person by changing the standard to reckless endangerment rather than intentional endangerment. This change would make the standard applied to culpability for endangerment of the welfare of a dependent person parallel to that applied in the law regarding child endangerment.

Public Law 2001, chapter 111 specifies that the culpable state of mind required for a person to endanger the welfare of a dependent person may be "intentionally," "knowingly" or "recklessly," and clarifies that, for purposes

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of endangerment of a dependent person, a legal duty may be inferred if the defendant has assumed responsibility for the care of the dependent person.

**LD 292**                      **An Act to Add Prior Conviction for Burglary of a Motor Vehicle to Enhancement of Theft Penalties and to Include Burglary of a Motor Vehicle in the Presumption Provision for Theft**                      **PUBLIC 426**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP-AM		H-16

LD 292 proposed to add to the provision in the Maine Criminal Code that provides for the enhancement of theft penalties a prior conviction for burglary of a motor vehicle, in violation of the Maine Revised Statutes, Title 17-A, section 405.

**Committee Amendment "A" (H-16)** proposed to clarify the bill by establishing that burglary committed inside a motor vehicle may be used as a prior conviction for purposes of the enhancement of theft penalties. The amendment also proposed to create the presumption that a defendant is guilty of burglary of a motor vehicle if a defendant is in exclusive possession of property recently taken under circumstances constituting a theft or robbery and burglary of a motor vehicle. A similar presumption currently exists for burglary involving a structure.

This amendment also proposed to add a fiscal note.

### *Enacted law summary*

Public Law 2001, chapter 426 establishes that burglary committed inside a motor vehicle may be used as a prior conviction for purposes of the enhancement of theft penalties and creates the presumption that a defendant is guilty of burglary of a motor vehicle if a defendant is in exclusive possession of property recently taken under circumstances constituting a theft or robbery and burglary of a motor vehicle. A similar presumption currently exists for burglary involving a structure. This law was proposed by the Criminal Law Advisory Commission.

**LD 313**                      **An Act Regarding Prisoner Participation in Public Work Projects or Improvements to Charitable Organizations' Property**                      **PUBLIC 171**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
LESSARD DAVIS P		OTP-AM		H-262

LD 313 proposed to allow county sheriffs to make decisions concerning prisoner employment, participation in public works and participation in electronic monitoring and intensive supervision outside the jail. It also proposed to provide that a prisoner could qualify for a reduced sentence through performing public service work, whether that work is performed on the property of a charitable organization or on property of the county.