

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).

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 681 **An Act to Amend the Law Concerning Possession of Firearms by Persons Convicted in Other States** **CARRIED OVER**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| CARR KILKELLY | | |

LD 681 proposed to specify that the prohibition against carrying a firearm applies to a person convicted of a crime in another state that is punishable in this State as murder or a Class A, B, or C crime.

Current law prohibits persons convicted of a crime punishable by a term of imprisonment for one year or more from carrying a firearm (consistent with prior history provisions used for private investigators' and occupational licenses). Under federal law, a crime punishable by more than a year in prison is considered a felony. In this State, crimes are not classified as a felony or misdemeanor; instead, crimes are classified by the severity of the punishment that may be imposed. For example, conviction of a Class D or Class E crime is punishable by a definite term of imprisonment less than one year. In some other states, however, a crime is considered a misdemeanor but carries a possible punishment of more than a year in prison. Under the current law, a person convicted of a crime in another state that is punishable by a year or more is prohibited from carrying a firearm in this State, even if the same crime in this State is a Class D or E crime.

LD 681 was carried over to the Second Regular Session of the 120th Legislature.

LD 700 **An Act to Amend the Physical Force Justification Laws** **ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------------|---------------------------|
| LEMOINE DAGGETT | ONTP MAJ OTP MIN | |

LD 700 proposed to specifically exclude the use of a stick, a belt or any other hard or solid object from the permissible and justifiable use of reasonable degree of force by a parent or other responsible person when disciplining a dependent person if the use of the stick, belt or other hard or solid object causes a bruise on the dependent person.

LD 749 **An Act to Prohibit Cyberstalking** **PUBLIC 411**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|-------------------------|---------------------------|
| LEMOINE MCALEVEY | OTP-AM | H-160 |

LD 749 proposed to amend the crime of stalking by specifying that, for purposes of stalking, "course of conduct" means, with intent to harass, annoy or alarm another, communicating or causing a communication to be initiated by

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mechanical or electronic means or otherwise with that person, anonymously or otherwise, by telephone, telegraph, mail or any other form of written communication.

Committee Amendment "A" (H-160) replaced the bill and proposed to clarify that for purposes of stalking "conveying oral or written threats" includes communicating or causing a communication to be initiated by mail or mechanical or electronic means. Mechanical or electronic means include telephones, cellular telephones, telegraphs, computers, video recorders, fax machines, pagers or similar devices. The amendment also proposed to add a fiscal note.

Enacted law summary

Public Law 2001, chapter 411 clarifies that for purposes of stalking "conveying oral or written threats" includes communicating or causing a communication to be initiated by mail or mechanical or electronic means. Mechanical or electronic means include telephones, cellular telephones, telegraphs, computers, video recorders, fax machines, pagers or similar devices.

LD 752 **An Act to Amend the Standards for Release for Crime Bailable as of Right Preconviction** **ONTP**

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

LD 752 proposed to amend the standards for release for a crime bailable as of right preconviction by indicating that a random search condition may not be imposed except by the court upon the State's proof by a preponderance of the evidence that the condition is necessary to ensure the presence of the defendant in court.

LD 768 **An Act to Require a Life Sentence for Murder Unless There Are Mitigating Circumstances** **DIED BETWEEN BODIES**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|------------------------|--------------------------------|---------------------------|
| MCALEVEY WATERHOUSE | ONTP MAJ OTP-AM MIN | |

LD 768 proposed to specify that a person sentenced for the crime of murder must be sentenced to imprisonment for life. Only if mitigating circumstances exist could the court adjust the sentence downward, and if mitigating circumstances exist, the court would have had to specify those circumstances. If a sentence for murder were adjusted downward, it could not be adjusted below 25 years, which is the current minimum term of imprisonment for murder.