

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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Maine State Legislature
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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
ONT P.....	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

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

Sponsor(s)
SMITH

Committee Report
ONTP

Amendments Adopted

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

Sponsor(s)
MCALEVEY
WATERHOUSE

Committee Report
ONTP MAJ
OTP-AM MIN

Amendments Adopted

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.

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Committee Amendment "A" (S-95) replaced the bill and was the minority report. The amendment proposed to change the mandatory minimum sentence for murder from 25 years to 35 years. The amendment also proposed to add a fiscal note to the bill. This amendment was not adopted.

LD 774

An Act to Require the Destruction of Certain Confiscated and Forfeited Handguns

PUBLIC 348

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAND	ONTP MAJ	H-486 WHEELER E
BAKER	OTP-AM MIN	S-149 O'GARA
		S-96

LD 774 proposed to require the destruction of all handguns confiscated by or forfeited to the State. The bill proposed that handguns be defined using the definition under federal law.

Committee Amendment "A" (S-96) was the minority report of the Joint Standing Committee on Criminal Justice and proposed to add a fiscal note to the bill.

House Amendment "A" to Senate Amendment "A" (H-486) proposed to require the destruction of a handgun used in the commission of a homicide unless the handgun was stolen and the rightful owner could be ascertained, in which case the handgun would have to be returned to the rightful owner.

Senate Amendment "A" (S-149) proposed to narrow the scope of the bill by limiting its application to handguns that were confiscated or forfeited because they were used in the commission of a homicide. It also proposed to correct a clerical error.

Enacted law summary

Public Law 2001, chapter 348 requires the destruction of a handgun used in the commission of a homicide unless the handgun was stolen and the rightful owner can be ascertained, in which case the handgun must be returned to the rightful owner.

LD 790

An Act to Make Assault with a Dangerous Dog a Crime and to Allow a Court to Impose Restitution to the Victim

ONTP

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

LD 790 proposed to create the criminal offense of assault with a dangerous dog and proposed to require the court to impose restitution during the sentencing of a person convicted of the offense if the victim suffered any financial damage.