

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*
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

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 BAKER	ONTP MAJ OTP-AM MIN	H-486 WHEELER E 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 LESSARD	ONTP	

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.

Joint Standing Committee on Criminal Justice

(See Public Law 2001, chapter 220, which was LD 661, An Act to Make An Owner Responsible for Injuries Caused by a Dog.)

LD 797

An Act to Amend the Laws Pertaining to Domestic Violence

PUBLIC 420

<u>Sponsor(s)</u> BENNETT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-172
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LD 797 proposed to amend current law to make it a Class C crime, punishable by up to 5 years' imprisonment, if a person:

1. Assaults a family or household member and the person has 2 or more prior convictions for assault on a family or household member;
2. Violates a protective order through reckless conduct that creates a substantial risk of death or serious bodily injury to another person or assaults the plaintiff named in the protective order; or
3. Violates a protective order and has 2 or more prior convictions of violating a protective order.

Committee Amendment "A" (S-172) replaced the bill and proposed to remove language regarding increased classifications for prior convictions. The amendment also proposed to clarify that a person commits a Class C crime by violating a protective order through conduct that is reckless and that creates a substantial risk of death or bodily injury to the plaintiff named in the protective order, instead of to any person. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 420 specifies that a person commits a Class C crime by violating a protective order through conduct that is reckless and that creates a substantial risk of death or bodily injury to the plaintiff named in a protective order or by assaulting the plaintiff named in the protective order.

LD 806

An Act to Amend the Concealed Firearms Laws

ONTP

<u>Sponsor(s)</u> MCALEVEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 806 proposed to allow a resident of a municipality to apply for a concealed firearms permit to either the municipal officers, if the municipal officers issue concealed firearms permits, or the Chief of the State Police, at the preference of the resident. Current law allows a resident of a municipality to apply for a concealed firearms permit to the Chief of the State Police only if the chief has been designated by the municipality as the issuing authority.