

# 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

LD 817

An Act to Protect Maine Children

ONTP

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

LD 817 proposed to revise the most recent sex offender registration and notification act to apply to all sex offenders and sexually violent predators, regardless of when they were convicted and sentenced. It would have required sex offenders to register for the rest of their lives, as sexually violent predators are currently required to do.

This bill proposed to repeal the 2 earlier laws covering sex offender registration and notification that applied before 1999, but would have retained the notification procedures and applied them to sex offenders and sexually violent predators.

This bill had a nonseverability clause that would have provided that the whole Act was invalid if a court ruled that any provision of the Act was unconstitutional. This would have been necessary to ensure that current law requiring registration and notification was retained for sex offenders convicted and sentenced before September 18, 1999, if a court ruled that the Sex Offender Registration and Notification Act of 1999 could not be modified to apply retroactively to earlier convictions.

**LD 823**

An Act to Discourage Environmental Terrorism

**DIED IN  
CONCURRENCE**

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

LD 823 proposed to establish the Class C crime of environmental terrorizing. A person would have been guilty of environmental terrorizing if that person commits a crime of violence dangerous to human life or destructive to property or business practices, for the primary purpose of protesting the practices of a person or business with respect to an environmental or natural resource issue, and the result was to cause injury in fact to persons or damage to property or business or to purposefully cause a significant interruption in business or loss of products that results in loss of revenues or in compensable damages.

**Committee Amendment "A" (H-273)** was the minority report of the Joint Standing Committee on Criminal Justice and proposed to add a fiscal note to the bill. This amendment was not adopted.

**House Amendment "A" (H-312)** proposed to provide that the provisions of the bill do not apply to a person who was protesting the practices of a business during a labor dispute, strike or lockout at that business. This amendment was not adopted.

**House Amendment "B" (H-401)** proposed to clarify that the crime of environmental terrorizing only applies to the destruction of property or business practices if the act was a violent crime. This amendment was not adopted.

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**House Amendment "C" (H-424)** proposed to require that the damage to property or business practices as a result of the protest must create a threat to public health or safety in order to be considered environmental terrorizing. This amendment was not adopted.

**Senate Amendment "A" (S-293)** proposed to provide that the provisions of the bill do not apply to a person who was protesting the practices of a business during a labor dispute, strike or lockout at that business. This amendment proposed to require that the damage to property or business practices as a result of a crime that was destructive to property or business practices must create a threat to public health or safety in order to be considered ecoterrorism. This amendment also would have included knowingly exposing an animal to a contagious or infectious disease as a crime of ecoterrorism. This amendment was not adopted.

**LD 827**                      **An Act Requiring a Mandatory Jail Sentence for a Person Convicted Twice of Sexual Abuse or Unlawful Sexual Contact**                      **ONTP**

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

LD 827 proposed to require a court to impose a mandatory jail sentence and order counseling for a person convicted of sexual abuse of a minor if that person has one or more prior convictions for sexual abuse of a minor. The bill also would have required a court to impose a mandatory jail sentence and order counseling for a person convicted of unlawful sexual contact with a person who suffers from a mental disability if the person convicted has one or more prior convictions of that crime. The bill also would have raised the sentencing class by one class if the State plead and proved that the person has been convicted twice or more for the same crime.

**LD 833**                      **An Act to Amend the Sex Offender Registration and Notification Act of 1999 and Sentencing Provisions for Sex Offenders**                      **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CANAVAN	OTP-AM	H-531

LD 833 proposed to revise the most recent sex offender registration and notification laws to apply to all sex offenders and sexually violent predators who were sentenced on or after June 30, 1992. It proposed to repeal the two earlier laws covering sex offender registration and notification that applied before 1999. LD 833 contained a nonseverability clause that would have provided that this whole Act has no force and effect if a court rules that the amendment to the Maine Revised Statutes, Title 34-A, section 11202 is unconstitutional. This would be necessary to ensure that current law requiring registration and notification is retained for sex offenders convicted and sentenced before September 18, 1999, if a court rules that the Sex Offender Registration and Notification Act of 1999 cannot be modified to apply retroactively to earlier convictions.