

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

*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*

**Staff:**

*Marion Hylan Barr, Legislative Analyst  
Jon Clark, Senior Analyst*

*Office of Policy and Legal Analysis  
13 State House Station  
Augusta, ME 04333  
(207) 287-1670*



**Maine State Legislature**  
**OFFICE OF POLICY AND LEGAL ANALYSIS**

13 State House Station, Augusta, Maine 04333-0013  
 Telephone: (207) 287-1670  
 Fax: (207) 287-1275

**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:

*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

**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.

## Joint Standing Committee on Criminal Justice

**Committee Amendment "A" (H-531)** proposed to do the following.

1. It amends the title.
2. It deletes language made unnecessary due to the repeal of the Maine Revised Statutes, Title 34-A, chapters 11 and 13 and the new application of Title 34-A, chapter 15.
3. It amends the sentencing provisions of the Maine Criminal Code by specifying that for purposes of enhancement of the classification of a crime due to prior convictions, the prior convictions for sex offenses could have occurred at any time, instead of within a 10-year window.
4. It specifies that the purpose of the Maine Revised Statutes, Title 34-A, chapter 15 is not punishment but to protect the public from potentially dangerous sex offenders and sexually violent predators by enhancing access to information concerning sex offenders and sexually violent predators.
5. It adds the new crime of solicitation of a child by computer to commit a prohibited act to the definition of "sex offense" for purposes of registration and notification.
6. It clarifies the definition of "sexually violent predator."
7. It specifies that sex offenders or sexually violent predators convicted from June 30, 1992 to September 17, 1999 shall register with the Department of Public Safety, State Bureau of Identification by September 1, 2002, unless sooner notified of a duty to register by the bureau, the Department of Corrections or a law enforcement officer, in which case the sex offender or sexually violent predator shall register with the bureau within 10 days.
8. It specifies that a sex offender or sexually violent predator convicted from June 30, 1992 to September 17, 1999 shall register for 10 years from the date of conviction if the sex offender or sexually violent predator was not sentenced to a period of institutional confinement, or for 10 years from the date of discharge or conditional release if the sex offender or sexually violent predator was sentenced to a period of institutional confinement.
9. It specifies that sex offenders and sexually violent predators convicted from June 30, 1992 to September 17, 1999 may not raise a defense under "just cause" that they were not aware of the registration requirement.
10. It amends the nonseverability clause to conform to drafting standards.
11. It adds an appropriation and allocation section and a fiscal note to the bill.

LD 833 as amended by Committee Amendment "A" was not removed by the Senate from the Special Appropriations Table and died on adjournment. However, Public Law 2001, chapter 349 incorporated and enacted the text of LD 833 as amended. (See Part 000.)