

# MAINE STATE LEGISLATURE

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*State Of Maine  
120th Legislature*

*Second Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Criminal Justice*

*May 2002*

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**120th Legislature**  
**Second Regular Session**

**Summary Of Legislation Before The Joint Standing Committees**  
**May 2002**

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 arranged alphabetically by committee name 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>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>PASSED</i> .....	<i>Joint Order passed in both bodies</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 Second Regular Session (unless otherwise specified in a particular law) is July 25, 2002.

**Patrick T. Norton, Interim Director**  
**Offices located in Room 215 of the Cross Office Building**

## Joint Standing Committee on Criminal Justice

- D. A crime under the laws of any other state that is not punishable by more than one year of imprisonment but is elementally substantially similar to a crime in this State that is punishable by imprisonment for one year or more, thus ensuring that if another state has determined that a particular offense is not serious but the Maine Legislature has determined that an elementally substantially similar offense is murder or a Class A, B or C crime if committed in Maine, the person who committed the offense would be prohibited from possession; or
  - E. A crime under the laws of the United States, this State or any other state or the Passamaquoddy Tribe or Penobscot Nation that was committed using a firearm against a person or using any other dangerous weapon.
3. It repeals an improper reference to violations of former Title 12, chapter 319, subchapter III as exceptions to the possession prohibition; this subchapter was repealed earlier.
  4. It defines "not criminally responsible by reason of mental disease or defect," "State," "state" and "use of a dangerous weapon" for purposes of Title 15, section 393.
  5. It clarifies that as a precondition to disqualification for possession of a firearm under Title 15, section 393, subsection 1, paragraph A-1, subparagraph (5) the use of a firearm against a person or the use of a dangerous weapon must be pled in the charging instrument and proven to the fact finder rather than simply being part of the underlying factual matrix of the crime as committed.
  6. It amends cross-references in the concealed firearms permit law to be consistent with the proposed changes in this Public Law.

### LD 1081

### An Act to Adopt a New Interstate Compact Regarding Adults Who DIED BETWEEN are on Probation or Parole BODIES

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN J	OTP      MAJ	
MCALEVEY	ONTP    MIN	

LD 1081 was carried over from the First Regular Session and proposed to create the Interstate Compact for Adult Offender Supervision.

**Committee Amendment "A" (H-162)** proposed to add an appropriation section and a fiscal note to the bill. This amendment was not adopted.

**House Amendment "A" (H-482)** proposed to provide that the rules adopted by the Interstate Commission for Adult Offender Supervision are not considered to have the force and effect of statutory law and do not supersede any laws of the State that are in conflict with the rules. This amendment also proposed to require that the interstate commission's rules be treated as major substantive rules and that the state council created in this State submit the interstate commission's rules to the joint standing committee of the Legislature having jurisdiction over criminal justice matters. The rules would not apply to this State until the Legislature acted to approve the rules. This amendment was not adopted.