

# 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  
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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

**LD 1077**                      **An Act to Protect Maine's Elderly from Theft and Fraud**                      **ONTP**

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

LD 1077 proposed to allow a court to order the forfeiture of a defendant's assets for a defendant who is convicted of theft or fraud against a person 60 years of age or older.

**LD 1081**                      **An Act to Adopt a New Interstate Compact Regarding Adults Who are on Probation or Parole**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN J MCALEVEY		H-162 H-482 POVICH

LD 1081 proposed to create the Interstate Compact for Adult Offender Supervision. The bill was carried over to the Second Regular Session of the 120<sup>th</sup> Legislature.

**LD 1084**                      **An Act to Clarify the State's Burden of Proof in Cases of Criminal Homicide or Serious Bodily Injury Caused by a Person Operating a Motor Vehicle**                      **PUBLIC 332**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON	OTP-AM    MAJ ONTP        MIN	S-242

LD 1084 proposed to create a separate crime for a person who, while intoxicated, caused the death of another person and proposed to increase the offense to a Class B crime, punishable by at least one year in prison.

**Committee Amendment "A" (S-242)** was the majority report and replaced the bill. The amendment proposed to specify that in cases of criminal homicide or bodily injury caused by a person operating a motor vehicle while under the influence, the State must prove only that the defendant's operation caused the serious bodily injury or death. The amendment would have required the court to apply the standard of causation defined in the Maine Revised Statutes, Title 17-A, section 33 in such cases.

***Enacted law summary***

Public Law 2001, chapter 332 specifies that in cases of criminal homicide or bodily injury caused by a person operating a motor vehicle while under the influence, the State must prove only that the defendant's operation caused

## Joint Standing Committee on Criminal Justice

the serious bodily injury or death. The court shall apply the standard of causation defined in the Maine Revised Statutes, Title 17-A, section 33 in such cases.

**LD 1087**                      **An Act to Create the Crime of Fleeing from a Motor Vehicle Stopped by Police**                      **ONTP**

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

LD 1087 proposed to create the Class E crime of fleeing a motor vehicle in order to prohibit a driver of a motor vehicle signaled to stop by a law enforcement officer from attempting to elude arrest by leaving the motor vehicle.

**LD 1098**                      **An Act to Increase the Crime Classification of the Crime of Misuse of Identification**                      **ONTP**

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

LD 1098 proposed to increase the classification of the crime of misuse of identification from a Class D crime to a Class C crime.

**LD 1099**                      **An Act Regarding the Care and Treatment of Persons with Mental Illness Who Are Incarcerated**                      **PUBLIC 458  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P WHEELER E	OTP-AM	S-239 S-382 GOLDTHWAIT

LD 1099 sets out the criteria and procedures for involuntary medication of mentally ill persons and persons suffering from the effects of the use of drugs or other substances residing in Department of Corrections facilities. It conforms with the requirements set out by the United States Supreme Court in Washington v. Harper, 494 U.S. 210 (1990).

**Committee Amendment "A" (S-239)** replaced the bill and proposed to make statutory changes and create a commission. Part A of the amendment proposed to do the following.