

# 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. 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:

*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 1265

**An Act to Clarify the Criminal Extradition Laws**

**CARRIED OVER**

<u>Sponsor(s)</u> SAVAGE W		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1265 proposed to amend the criminal extradition laws by requiring a judge to inform the person arrested of the person's right to waive extradition. The bill proposed to specify that once the person is arrested that the person must be taken before a judge in accordance with Maine Rules of Criminal Procedure, Rule 5. Rule 5 requires that once the person is arrested, the person must be brought before a judge within 48 hours after arrest.

LD 1265 was carried over to the Second Regular Session of the 120<sup>th</sup> Legislature.

LD 1283

**An Act to Amend the Criminal Laws with Regard to Animal Welfare**

**PUBLIC 414**

<u>Sponsor(s)</u> LAFOUNTAIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-170
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LD 1283 proposed to amend the criminal terrorizing statutes to make it a Class D crime to unlawfully elicit fear in a person by threatening to abuse an animal, except if the person to whom the threat was communicated was a minor, in which case the crime would be a Class C crime. This bill also proposed to create the Class B or C crime of bestiality. In addition to the penalties authorized for Class B and C crimes, a person convicted of bestiality would have been ordered to pay a fine up to \$10,000, to seek counseling and to not own or work with animals for a specified time or permanently.

**Committee Amendment "A" (S-170)** replaced the bill. The amendment proposed to amend criminal animal cruelty laws to include the act of committing bestiality. The amendment also proposed to add a fiscal note.

### *Enacted law summary*

Public Law 2001, chapter 414 amends criminal animal cruelty laws to include the act of committing bestiality.

**LD 1288**

**An Act to Make Refusing a Blood-alcohol Test a Crime**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u> DAVIS P DUNLAP		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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LD 1288 proposed to subject a person who fails to submit to mandatory testing to determine whether the person is under the influence of intoxicants to the same penalties as if the person were convicted of operating under the

## Joint Standing Committee on Criminal Justice

influence. This bill proposed to make a conviction for failure to submit to mandatory testing equivalent to a conviction for operating under the influence of intoxicants. This bill also proposed to remove the enhanced penalties for refusing to submit to testing since such refusal would now be a separate offense.

**Committee Amendment "A" (S-147)** was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to specify that a person who has no previous OUI offenses and fails to submit to a test at the request of a law enforcement officer must be sentenced to at least 48 hours of incarceration, which is the same mandatory penalty that is imposed for a person convicted of a first OUI offense. The amendment also proposed to add a fiscal note to the bill. This amendment was not adopted.

**Senate Amendment "A" (S-164)** proposed to add a fiscal note to the bill.

LD 1288 was sent to a Committee of Conference that did not act upon the bill; therefore LD 1288 died on adjournment.

**LD 1292**                      **An Act for Voluntary Testing for Hepatitis-C of Adult Prisoners in the Maine Correctional System**                      **P & S 17**

<u>Sponsor(s)</u> SHIELDS KNEELAND	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-164
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LD 1292 proposed to require the Department of Corrections to perform testing for hepatitis-C on high-risk adult clients of the department who volunteer to participate in the testing. The bill proposed to require that medical treatment for hepatitis-C, information on support groups, drug treatment services, immunization for hepatitis-A and hepatitis-B and case management services that connect clients with community resources upon discharge all be a part of the program.

**Committee Amendment "A" (H-164)** replaced the bill. This amendment proposed to require the Department of Corrections, to the extent federal funding is available, to undertake a hepatitis testing and treatment program.

### *Enacted law summary*

Private and Special Law 2001, chapter 17 requires the Department of Corrections, to the extent federal funding is available, to undertake a hepatitis testing and treatment program.