

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).

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 1315 **An Act to Expand the Crime of Assault on a Law Enforcement Officer** **ONTP**

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

LD 1315 proposed to require that all offenses of assault on a law enforcement officer for which the law enforcement officer requires medical treatment must be charged as the Class C crime of assault on an officer and may not be charged as a lesser offense.

LD 1330 **Resolve, Establishing the Commission to Examine the Maine Correctional Institute** **CARRIED OVER**

<u>Sponsor(s)</u> SKOGLUND MICHAUD MH		<u>Committee Report</u>		<u>Amendments Adopted</u>
---	--	-------------------------	--	---------------------------

LD 1330, a resolve, proposed to establish the Commission to Examine the Maine Correctional Institute. The resolve proposed that the Commission examine the reasons and periods for which prisoners have been assigned to the Supermax, conditions for prisoner release from the facility, and the efficiency of the Supermax in rehabilitating inmates.

LD 1330 was carried over to the Second Regular Session of the 120th Legislature.

LD 1343 **An Act to Increase the Penalties for Criminal Speeding and Operating After Suspension** **ONTP**

<u>Sponsor(s)</u> BAKER LEMONT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
--------------------------------------	--	---------------------------------	--	---------------------------

LD 1343 proposed to specify that a person commits manslaughter if the person operated a motor vehicle 20 miles per hour or more above the speed limit and causes the death of another person. This bill also proposed to change the crime of criminal speeding to reduce the threshold to 20 miles per hour or more above the speed limit, instead of the current 30 miles per hour or more above the speed limit.

The bill also proposed to enact a new crime of reckless conduct with a motor vehicle, a Class D crime, if someone causes serious bodily injury to another while operating a motor vehicle at 20 miles per hour or more above the speed limit.

Joint Standing Committee on Criminal Justice

Finally, this bill proposed to require that a person operating a motor vehicle after that person's license has been suspended or revoked, currently a Class E crime, must be sentenced to a minimum of 45 days in jail.

LD 1362

**An Act to Provide Funding for the Office of the State Fire Marshal
and to Increase Certain Fire Inspection Fees**

**PUBLIC 343
EMERGENCY**

<u>Sponsor(s)</u> MCALEVEY	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> S-241
-------------------------------	---	------------------------------------

LD 1362 proposed to increase from 1.4% to 1.9% the fire investigation and prevention tax to support increased operations expenses in the Office of the State Fire Marshal within the Office of Public Safety and to fund the increased operational expenses to carry out the goals and objectives of the 1999 strategic plan of Maine Fire Training and Education Program within the Maine Technical College System. The bill proposed to remove provisions of law that establish the fees for certain inspections conducted by the Office of State Fire Marshal within the Department of Public Safety. The bill proposed to direct the Commissioner of Public Safety to set these fees by rulemaking and to designate the rules as routine technical rules. The bill proposed to prohibit the department from setting the fees higher than the actual cost of conducting the inspections.

Committee Amendment "A" (S-241) was the majority report of the Joint Standing Committee on Criminal Justice and proposed to replace the bill. The amendment proposed to:

1. Change the title to reflect the content of the amendment;
2. Add an emergency preamble and emergency clause to the bill;
3. Establish a one-year special assessment to be collected from policyholders of insured fire risks located in the State. This special assessment would be designed to provide operating revenues for the Office of the State Fire Marshal for fiscal year 2002;
4. Increase certain inspection and permit fees collected by the Office of the State Fire Marshal to more accurately reflect the costs associated with those inspections and permits; and
5. Add an allocation section and a fiscal note to the bill.

Senate Amendment "A" (S-272) proposed to:

1. Change the title to reflect the content of the amendment;
2. Add an emergency to the bill;
3. Establish a one-year special assessment to be collected from policyholders of insured fire risks located in the State. This special assessment would be designed to provide operating revenues for the Office of the State Fire Marshal for fiscal year 2001-02;