

# 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  
Rep. Stanley J. Gerzofsky  
Rep. Judith B. Peavey  
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*  
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## 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> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| MCALEVEY          | OTP-AM MAJ<br>ONTP MIN  | 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;

## Joint Standing Committee on Criminal Justice

4. Leave in place those portions of the bill that allow the State Fire Marshal to set certain inspection fees by rule to cover the actual cost of the inspections and insert a provision allowing the Fire Marshal to set the firework technician license fee by rule; and
5. Add an allocation section.

This amendment was not adopted.

### *Enacted law summary*

Public Law 2001, chapter 343 establishes a one-year special assessment to be collected from policyholders of insured fire risks located in the State. This special assessment is designed to provide operating revenues for the Office of the State Fire Marshal for fiscal year 2002. The law also increases 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.

Public Law 2001, chapter 343 was enacted as an emergency measure effective June 1, 2001.

Public Law 2001, chapter 343 creates a new tax but originated incorrectly in the Senate as LD 1362. Public Law 2001, chapter 437, which was LD 1825, An Act Providing Funding for the Office of State Fire Marshal and to Increase Certain Fire Inspection Fees, repealed and replaced Public Law 2001, chapter 343.

**LD 1368**

**An Act to Reduce the Risks Posed by Intoxicated Persons Under Arrest**

**ONTP**

|   |                                 |                           |
|---|---------------------------------|---------------------------|
| <u>Sponsor(s)</u><br>DUDLEY<br>ABROMSON | <u>Committee Report</u><br>ONTP | <u>Amendments Adopted</u> |
|---|---------------------------------|---------------------------|

LD 1368 proposed to allow a law enforcement officer who arrests a person for operating a motor vehicle while under the influence of alcohol or drugs to detain that operator for a period of time until the operator is no longer a danger to that operator or to others. The bill proposed that the operator could be released if there was a passenger in the vehicle who was licensed to drive and not intoxicated or if another person who was licensed to drive and not intoxicated picked the operator up from the jail.