

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).

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

LD 1462 proposed to create the Criminal Code Revision Commission, the duties of which include reviewing all provisions of the Maine Criminal Code, Juvenile Code and Maine Bail Code and drafting proposed legislation that repeals or amends archaic language and repeals crimes that are redundant or covered by existing general provisions. The resolve proposed that the commission shall deliver its report and any proposed legislation to the First Regular Session of the 121st Legislature.

Committee Amendment "A" (H-261) proposed to add language specifying the authority of the commission chairs to manage the commission's budget. In addition, this amendment proposed to add an appropriation section and a fiscal note to the resolve.

LD 1462 as amended by Committee Amendment "A" was not removed by the Senate from the Special Appropriations Table and died on adjournment.

LD 1470 **An Act to Enhance Enforcement and Prosecution of Computer-related Crimes** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PEAVEY DAVIS P	ONTP	

LD 1470 proposed to direct that 1/6 of the Government Operations Surcharge Fund, which consists of a surcharge added to every court-imposed fine, forfeiture or penalty in this State, be paid to the Attorney General for use by the Maine Computer Crimes Task Force.

Instead of enacting LD 1470 (or LD 1508, An Act to Place a 2% Surcharge on all Criminal and Traffic Fines to Fund the Efforts of the Maine Computer Crimes Task Force), the committee voted out a committee bill, LD 1800, An Act to Enhance the Enforcement and Prosecution of Computer Crimes Through Support of the Maine Computer Crimes Task Force.

LD 1491 **An Act to Protect Minors from Sexual Exploitation** **ONTP**

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

LD 1491 proposed to increase to 18 years of age the threshold before which certain specified actions are crimes and impose mandatory minimum sentences of incarceration and probation. The bill also proposed to require a person convicted of: possession of sexually explicit materials; gross sexual assault; sexual abuse of a minor; unlawful sexual contact; visual sexual aggression against a child; sexual misconduct with a child under 14 years of age; and solicitation of a child by computer to commit a prohibited act to register under the Sex Offender Registration and Notification Act and pay restitution to the victim, if the victim could be determined. This bill also would have required the court to suspend the driver's license of a person who failed to make restitution and would have imposed

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a late fee penalty on that person. The person's license would be restored once the order for restitution had been complied with for 12 consecutive months.

LD 1492 **An Act to Improve Treatment of Persons with Mental Illness in
Maine's Jails and Prisons** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POVICH PENDLETON		

LD 1492 proposed to require that all law enforcement and corrections officers receive training in mental illness and substance abuse issues and requires psychiatric evaluation of all inmates incarcerated in county jails and state correctional facilities. The bill proposed to establish standards for the care, treatment and transfer of inmates with a psychiatric disorder. The bill also proposed to require that all county jails and state correctional facilities be nationally accredited by January 1, 2005 and annually thereafter.

LD 1492 was carried over to the Second Regular Session of the 120th Legislature.

LD 1493 **An Act to Reinstate the Death Penalty for the Murder of Children** **ONTP**

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

LD 1493 proposed to reinstate the death penalty for the murder of a child under 6 years of age subject to a referendum on whether the people of the State want to reinstate a death penalty for the murder of young children. The bill also would have eliminated the minimum term of 25 years of imprisonment for murder and required that all persons convicted of murder serve a life sentence if they are not sentenced to death.

Committee Amendment "A" (H-270) was the minority report of the Joint Standing Committee on Criminal Justice and proposed to add a fiscal note to the bill. The amendment was not adopted.

LD 1508 **An Act to Place a 2% Surcharge on all Criminal and Traffic Fines
to Fund the Efforts of the Maine Computer Crimes Task Force** **ONTP**

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