

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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Maine State Legislature
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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
 Offices Located in the State House, Rooms 101/107/135

Joint Standing Committee on Criminal Justice

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 | |

Joint Standing Committee on Criminal Justice

LD 1508 proposed to create the Maine Computer Crimes Task Force Surcharge Fund. The bill proposed that the fund be established by collecting an additional 2% surcharge on every fine, forfeiture and penalty imposed by any court in the State. As proposed, funds collected through the additional surcharge would have been paid to the Department of the Public Safety, Bureau of State Police to fund the Maine Computer Crimes Task Force.

Instead of enacting LD 1508 (or LD 1470, An Act to Enhance Enforcement and Prosecution of Computer-related Crimes), 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 1521 **An Act to Broaden the Crime of Abuse of a Corpse** **ONTP**

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

LD 1521 proposed to amend the laws governing the crime of abuse of corpse. The bill proposed to criminalize conduct relative to a corpse that would outrage reasonable family sensibilities if the actor were aware that the actor's conduct would outrage any reasonable family member of the deceased. It also would have criminalized conduct relative to a corpse that would outrage reasonable community sensibilities if the actor were aware that the actor's conduct would outrage any reasonable community member despite the lack of a personal relationship with the deceased.

The bill also would have replaced the current defense provision with a more generalized provision for a person who is acting as authorized by law.

LD 1521 was proposed by the Criminal Law Advisory Commission.

LD 1528 **An Act to Improve the Delivery of Religious Services to Prisoners
in the Maine Correctional System** **ONTP**

| | | | | |
|-------------------|--|-------------------------|--|---------------------------|
| <u>Sponsor(s)</u> | | <u>Committee Report</u> | | <u>Amendments Adopted</u> |
| MCKEE KILKELLY | | ONTP | | |

LD 1528 proposed to create the position of director of religious services to oversee religious activities in the Department of Corrections and the position of chaplain at the Maine Correctional Center.