

# 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*  
 Offices Located in the State House, Rooms 101/107/135

## Joint Standing Committee on Criminal Justice

8. It requires Correctional Trade Instructors to meet the same training requirements as corrections officers.
9. It allows polygraph testing of sex offenders in court-ordered treatment.
10. It makes technical corrections to ensure that the Correctional Program Improvement Fund is repealed and replaced by the new Correctional Medical Services Fund.
11. It provides that certain screening and assessment tools used by the Department of Corrections are confidential and are not public records, but that they must be supplied on request to other agencies and to any committee or study commission established by the Legislature with authority to examine issues related to mental health.

**LD 1764**

**An Act to Amend the Crime of Endangering the Welfare of a Child**

**PUBLIC 429**

<u>Sponsor(s)</u> MCALEVEY POVICH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-203
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LD 1764 proposed to create the crime of aggravated endangering the welfare of a child, which is committed when a parent, foster parent, guardian or person responsible for the care and custody of the child knows that the child has been subject to serious bodily injury by another and fails to protect the child from further injury. Current law punishes this conduct by a maximum of less than one year in jail.

**Committee Amendment "A" (S-203)** replaced the bill and proposed to amend the current endangering the welfare of a child law to include the Class C crime of failing to take measures to protect a child from further bodily injury when such injury has been committed by another person and the person responsible for the long-term general care of the child knows of the prior injury. The amendment also proposed to add a fiscal note to the bill.

### *Enacted law summary*

Public Law 2001, chapter 429 amends the current endangering the welfare of a child law to include the Class C crime of failing to take measures to protect a child from further bodily injury when such injury has been committed by another person and the person responsible for the long-term general care of the child knows of the prior injury.

**LD 1800**

**An Act to Enhance the Enforcement and Prosecution of Computer Crimes Through Support of the Maine Computer Crimes Task Force**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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## Joint Standing Committee on Criminal Justice

LD 1800 proposed to establish the Maine Computer Crimes Task Force, which is a collaborative partnership under the auspices of the Department of Public Safety, Bureau of State Police and includes the Department of Attorney General and local law enforcement agencies. The bill proposed that the purpose of the task force is to investigate and assist those law enforcement agencies in the State that investigate crimes involving computers. The task force would have been funded by a General Fund appropriation.

LD 1800 was not removed by the Senate from the Special Appropriations Table and died on adjournment. However, Public Law 2001, chapter 439 (Part 2 budget) enacted part of LD 1800 that establishes the task force and appropriates funds for one State Police Sergeant position and operating costs. (See Part QQQQ.)

**LD 1815**                      **An Act Regarding the Training Requirements for Certain**                      **INDEF PP**  
**Employees of the Department of Public Safety**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u>
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LD 1815 proposed to exempt from the full-time law enforcement officer training requirements the State Fire Marshal and the Department of Public Safety's Chief of the Bureau of Liquor Enforcement. The bill also proposed to exempt from the full-time law enforcement officer training requirements the Department of Public Safety's director of capitol security or security officers who are hired on or before May 1, 2001. A director or security officer hired after May 1, 2001 would not have been exempt from the training requirements. A director or security officer hired on or before May 1, 2001 could choose to attend the full-time law enforcement officer training course before July 15, 2005. The bill proposed that the Department of Public Safety shall pay for that training. This bill also proposed to include an appropriation section.

**House Amendment "A" (H-754)** replaced the bill. The amendment proposed to exempt from the full-time law enforcement officer training requirements the State Fire Marshal and the Department of Public Safety's Chief of the Bureau of Liquor Enforcement. The amendment also proposed to exempt from the full-time law enforcement officer training requirements capitol security officers who are hired before July 15, 2003 and the Director of Capitol Security employed in that position on June 1, 2001. A director or security officer hired before July 15, 2003 could choose to attend the full-time law enforcement officer training course before July 15, 2005. The amendment proposed that the Department of Public Safety shall pay for that training. The amendment proposed to change the penalty for a violation of any rules adopted by the Commissioner of Public Safety from \$50 to not more than \$250 and to conform the language to drafting standards.

This amendment also proposed to require the Department of Public Safety to implement the requirements within existing resources.

House Amendment "A" was not adopted.

**Senate Amendment "A" (S-388)** proposed to exempt the State Fire Marshal, the Director of the Bureau of Liquor Enforcement and the security officers of the Bureau of Capitol Security with limited law enforcement powers, from the full-time law enforcement officer training requirements.