

MAINE STATE LEGISLATURE

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*State Of Maine
120th Legislature*

Second Regular Session

Bill Summaries

*Joint Standing Committee
on
Criminal Justice*

May 2002

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120th Legislature
Second Regular Session

Summary Of Legislation Before The Joint Standing Committees
May 2002

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 organized for convenient reference to information on bills considered by the committees. It is arranged alphabetically by committee name and within committees by bill (LD) number.

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:

- 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
PASSED..... Joint Order passed in both bodies
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 Second Regular Session (unless otherwise specified in a particular law) is July 25, 2002.

Patrick T. Norton, Interim Director
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on Criminal Justice

LD 1956

An Act to Clarify Rule-making Authority for the Office of the State Fire Marshal

PUBLIC 475

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POVICH O'GARA	OTP	

LD 1956 proposed to grant rule-making responsibility regarding standards for smoke detectors to the Commissioner of Public Safety or the commissioner's designee. Public Law 1997, chapter 728 repealed the State Fire Marshal's authority to enact rules regarding smoke detectors under the Maine Revised Statutes, Title 25, section 2464. As proposed, rules adopted pursuant to LD 1956 are routine technical rules.

Enacted law summary

Public Law 2001, chapter 475 grants rule-making responsibility regarding standards for smoke detectors to the Commissioner of Public Safety or the commissioner's designee. Rules adopted pursuant to this Public Law are routine technical rules. Public Law 1997, chapter 728 repealed the State Fire Marshal's authority to enact rules regarding smoke detectors under the Maine Revised Statutes, Title 25, section 2464.

LD 1961

An Act to Allow Private Psychiatric Hospitalization of Residents of Department of Corrections Juvenile Facilities

PUBLIC 517

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POVICH	OTP-AM	H-796

LD 1961 proposed to allow juveniles needing psychiatric hospitalization to be admitted to private facilities for psychiatric care under the Commissioner of Corrections' statutory guardianship, as they may now be admitted to private facilities for medical care under the commissioner's guardianship. Current Maine law authorizes psychiatric hospitalization of persons confined in Department of Corrections facilities only in state mental health institutes. While the state mental health institutes have beds for adults, they do not have and do not plan to have beds for juveniles.

Committee Amendment "A" (H-796) proposed to clarify that the Commissioner of Corrections is subject to the same statutory provisions as a parent or legal guardian when seeking to admit a juvenile client to a psychiatric hospital. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 517 allows juveniles needing psychiatric hospitalization to be admitted to private facilities for psychiatric care under the Commissioner of Corrections' statutory guardianship, as they may now be admitted to private facilities for medical care under the commissioner's guardianship. The Commissioner of Corrections is subject to the same statutory provisions as a parent or legal guardian when seeking to admit a juvenile client to a psychiatric hospital. Prior to enactment of this Public Law, Maine law authorized psychiatric hospitalization of persons confined in Department of Corrections facilities only

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in state mental health institutes. While the state mental health institutes have beds for adults, they do not have and do not plan to have beds for juveniles.

LD 1983

An Act to Protect Children from Sexual Predators

**DIED IN
CONCURRENCE**

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

LD 1983 proposed to raise the age of sexual consent to 16 years of age for the crimes of gross sexual assault, sexual abuse of a minor, unlawful sexual contact and sexual misconduct with a child.

Committee Amendment "A" (H-881) proposed to replace the bill and was the minority report. The amendment proposed to criminalize intentional sexual contact with a person who is either 14 or 15 years of age who is not the actor's spouse, when the actor is at least 10 years older than the other person. The amendment proposed that this form of sexual abuse of a minor is a Class D crime and that it is a defense to a prosecution for the new crime that the actor reasonably believed the other person to be at least 16 years of age. The amendment also proposed to add a fiscal note. This amendment was not adopted.

LD 1987

An Act to Increase the Penalty for Appropriating Another Person's Social Security Number

ONTP

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

LD 1987 proposed to amend the crime of misuse of identification by increasing the penalty for misuse of another person's social security card or social security number from a Class D to a Class C crime.

LD 1989

An Act Regarding Criminal History Record Checks

PUBLIC 552

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PEAVEY	OTP-AM	H-863

LD 1989 proposed to amend the laws regarding criminal history records by:

1. Changing an incorrect reference to a member of the MCJUSTIS Policy Board;
2. Making it clear that the State Bureau of Identification may charge a fee for each requested criminal history record check for noncriminal justice purposes, and that the requestor must supply a name and date of birth for each record being requested; and