

# 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 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 arranged alphabetically by committee name 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:

<i>CON RES XXX</i> .....	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i> .....	<i>House &amp; Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i> .....	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i> .....	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i> .....	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i> .....	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i> .....	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i> .....	<i>Ought Not To Pass report accepted</i>
<i>OTP ND</i> .....	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i> .....	<i>Committee report Ought To Pass In New Draft/New Title</i>
<i>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PASSED</i> .....	<i>Joint Order passed in both bodies</i>
<i>PUBLIC XXX</i> .....	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i> .....	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i> .....	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's Veto</i>

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

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

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3. Allowing law enforcement agencies that take fingerprints and palm prints for noncriminal justice purposes to submit them directly to the State Bureau of Identification when the submission is required by law.

**Committee Amendment "A" (H-863)** proposed to replace the bill and to amend the laws regarding criminal history records by:

1. Discontinuing the practice of subsidizing the cost of criminal history record checks for noncriminal justice purposes for out-of-state and federal governmental entities;
2. Clarifying 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;
3. Clarifying that criminal history record checks requested pursuant to 5 United States Code, Section 9101 must be accompanied by fingerprints;
4. Authorizing a law enforcement agency that takes fingerprints and palm prints for noncriminal justice purposes to submit the fingerprints or palm prints directly to the State Bureau of Identification when required by statute or when the person requesting that the fingerprints or palm prints be taken asks the law enforcement agency to do so;
5. Specifying that a law enforcement agency that takes fingerprints or palm prints, upon request, for a criminal history record check for noncriminal justice purposes may not maintain any demographic information that is taken or collected in the process of taking the fingerprints or palm prints; and
6. Adding a fiscal note.

### *Enacted law summary*

Public Law 2001, chapter 552 amends the laws regarding criminal history records as follows.

1. It discontinues the practice of subsidizing the cost of criminal history record checks for noncriminal justice purposes for out-of-state and federal governmental entities.
2. It clarifies 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.
3. It clarifies that criminal history record checks requested pursuant to 5 United States Code, Section 9101 must be accompanied by fingerprints.
4. It authorizes a law enforcement agency that takes fingerprints and palm prints for noncriminal justice purposes to submit the fingerprints or palm prints directly to the State Bureau of Identification when required by statute or when the person requesting that the fingerprints or palm prints be taken asks the law enforcement agency to do so.

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5. It specifies that a law enforcement agency that takes fingerprints or palm prints, upon request, for a criminal history record check for noncriminal justice purposes may not maintain any demographic information that is taken or collected in the process of taking the fingerprints or palm prints.

**LD 1997**

**An Act Regarding Fire Safety Laws for Residential Care Facilities**

**PUBLIC 531**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER LONGLEY	OTP-AM	H-833

LD 1997 proposed that that prior to being licensed a residential care facility must be certified as meeting certain provisions of the National Fire Protection Association Life Safety Code.

**Committee Amendment "A" (H-833)** proposed to specify that a residential care facility must use timed drills unless the facility has elected to complete evacuation scores in lieu of timed drills or timed drills are not required. The amendment proposed to change from a Class E crime to a civil violation any failure to comply with the timed drill or evacuation score requirements. The amendment also proposed to add a fiscal note to the bill.

### *Enacted law summary*

Public Law 2001, chapter 531 provides that prior to being licensed a residential care facility must be certified as meeting certain provisions of the National Fire Protection Association Life Safety Code. Residential care facilities must use timed drills unless the facility has elected to complete evacuation scores in lieu of timed drills or timed drills are not required. Public Law 2001, chapter 531 specifies that it is a civil violation for failure to comply with the timed drill or evacuation score requirements.

**LD 2002**

**Resolve, Establishing a Commission to Study County Jail Population, Cost and Reimbursement by the State**

**INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PEAVEY TREAT	OTP-AM	H-861

LD 2002, a resolve, proposed to establish the Commission to Study County Jail Population, Costs and Reimbursement by the State. The resolve proposed that the commission study and make recommendations regarding:

1. Initiatives for regional cooperation and solutions in building county jails;
2. Population of county jails, overcrowding and growth;
3. State probation violations, where those violations should be served and who should pay for the resulting incarceration;