

# 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**  
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## Joint Standing Committee on Criminal Justice

**LD 2148**                      **Resolve, to Require the Maine Fire Protection Services Commission to Report Regarding Methods to Improve the Recruitment and Retention of Firefighters and the Provision of Healthcare**                      **RESOLVE 91**

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

LD 2148, a resolve, proposed to require the Maine Fire Protection Services Commission to report back to the Legislature regarding recruitment and retention of firefighters in Maine and regarding the provision of health care to firefighters. The resolve proposed that the commission submit its report and implementing legislation to the Legislature by December 16, 2002.

### *Enacted law summary*

Resolve 2001, chapter 91 requires the Maine Fire Protection Services Commission to report back to the Legislature regarding the recruitment and retention of firefighters in Maine and regarding the provision of health care to firefighters. The commission shall submit its report and implementing legislation to the Legislature by December 16, 2002.

**LD 2160**                      **An Act to Amend the Maine Criminal Code to Address Terrorism**                      **PUBLIC 634**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT POVICH	OTP-AM	S-499

LD 2160 proposed to amend the Maine Criminal Code to address terrorism by:

1. Amending the statute of limitations as it relates to crimes involving terrorism by specifying that no statute of limitations exists for bringing a prosecution for terroristic murder and by specifying that the statute of limitations may be extended no more than 10 years for the crimes of terrorism, criminal possession or use of weapon of mass destruction or terrorism by threat while the person is outside the state. If the person is not outside the state, the current 5-year statute of limitations applies to these 3 crimes;
2. Providing that a person is guilty of aggravated attempted murder if that person commits attempted murder and, at the time of that person's actions, the person's intent to kill was accompanied by terroristic intent;
3. Amending the laws governing the crime of causing a catastrophe by adding new causes and definitions; and
4. Establishing the crimes of: terrorism, a Class A crime; terroristic murder, a crime which carries a presumptive life sentence unless court determines that exceptional features justify imposition of a definite period of not less than 25 years of imprisonment; criminal possession or use of a weapon of mass destruction, a Class A crime; and terrorism by threat, a Class B crime.

## Joint Standing Committee on Criminal Justice

**Committee Amendment "A" (S-499)** proposed to replace the bill and do the following:

1. Add definitions to the Maine Criminal Code to address scientific advances in the methods that may be used to commit the crime of causing a catastrophe and create the new definition "terroristic intent;"
2. Amend the crime of elevated aggravated assault to include when a person with terroristic intent engages in conduct that in fact causes serious bodily injury to another person;
3. Create the crime of aggravated reckless conduct. A person is guilty of this crime if the person with terroristic intent engages in conduct that in fact creates a substantial risk of serious bodily injury to another person;
4. Amend the crime of causing a catastrophe if the person acts with terroristic intent by lowering the threshold for harm to causing death or serious bodily injury to more than one person, substantial damage to 3 or more structures, whether or not occupied, or substantial physical damage sufficient to disrupt the normal functioning of a critical infrastructure; and
5. Add a fiscal note.

### *Enacted law summary*

Public Law 2001, chapter 634 makes the following changes to the Maine Criminal Code to address terrorism.

1. It adds definitions to the Maine Criminal Code to address scientific advances in the methods that may be used to commit the crime of causing a catastrophe and creates the new definition "terroristic intent."
2. It amends the crime of elevated aggravated assault to include when a person with terroristic intent engages in conduct that in fact causes serious bodily injury to another person.
3. It creates the crime of aggravated reckless conduct. A person is guilty of this crime if the person with terroristic intent engages in conduct that in fact creates a substantial risk of serious bodily injury to another person.
4. It amends the crime of causing a catastrophe if the person acts with terroristic intent by lowering the threshold for harm to causing death or serious bodily injury to more than one person, substantial damage to 3 or more structures, whether or not occupied, or substantial physical damage sufficient to disrupt the normal functioning of a critical infrastructure.

**LD 2163**

**An Act to Implement the Recommendations of the Commission to Study Domestic Violence**

**PUBLIC 686**

Sponsor(s)

Committee Report

Amendments Adopted

OTP MAJ  
OTP-AM MIN

H-883  
S-617 GOLDTHWAIT