

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Standing Committee
on
Criminal Justice and Public Safety*

May 2004

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Maine State Legislature



*Office Of Policy And Legal Analysis
Office Of Fiscal And Program Review*

*121st Maine Legislature
Second Regular Session and
Second Special Session*

Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint 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/billsumm.htm).

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
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 that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is April 30, 2004; and non-emergency legislation enacted in the Second Special Session is July 30, 2004. Four bills (LD's 1572, 1629, 1636 and 1637) that were considered at the First Special Session in August 2003 are also included in these summaries.

David C. Elliott, Director
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on Criminal Justice and Public Safety

LD 1821

An Act To Increase the Amount of Restitution Allowed for State and Municipal Fire Service

PUBLIC 556

<u>Sponsor(s)</u> DUPLESSIE BRYANT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-713
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LD 1821

Current law provides that any person who engages in out-of-door burning in violation of the law or who fails to comply with any stated permit condition or restriction commits a Class E crime. If the State proves that while in violation that person's out-of-door fire resulted in fire suppression costs to municipalities or State Government, the court may order restitution to a municipality not exceeding \$2,000 and total restitution to municipalities and the State not exceeding \$10,000. LD 1821 proposed to increase the limit on restitution to \$25,000 for a municipality and \$125,000 for total restitution to municipalities and State Government.

Committee Amendment "A" (H-713) proposed to add a fiscal note.

Enacted Law Summary

Public Law 2003, chapter 556 increases limits on restitution that may be paid by persons engaging in out-of-door burning. Current law provides that any person who engages in out-of-door burning in violation of the law or who fails to comply with any stated permit condition or restriction commits a Class E crime. If the State proves that while in violation that person's out-of-door fire resulted in fire suppression costs to municipalities or State Government, the court may order restitution to a municipality not exceeding \$2,000 and total restitution to municipalities and the State not exceeding \$10,000. Public Law 2003, chapter 556 increases the limit on restitution to \$25,000 for a municipality and \$125,000 for total restitution to municipalities and State Government.

LD 1832

An Act To Maintain the Current Statutes Regarding Unlawful Solicitation To Benefit Law Enforcement Agencies

**PUBLIC 560
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1832 proposed to remove language that repeals the current law regarding unlawful solicitation to benefit law enforcement agencies. This bill proposed to allow a person to continue to solicit as long as the property solicited in no way tangibly benefits the solicitor.

Joint Standing Committee on Criminal Justice and Public Safety

Enacted Law Summary

Public Law 2003, chapter 560 removes language that repeals the current law regarding unlawful solicitation to benefit law enforcement officers and agencies. Public Law 2003, chapter 560 continues to allow a person to solicit as long as property solicited in no way tangibly benefits the solicitor.

Public Law 2003, chapter 560 was enacted as an emergency measure effective March 17, 2004.

LD 1835 **An Act To Increase Penalties for Certain Violent Crimes** **ONTP**
Committed against Senior Citizens

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

LD 1835 proposed to require a court, when imposing a sentencing alternative involving a term of imprisonment, to assign special weight to the objective fact of the age of the victim in crimes of attempted murder, manslaughter, elevated aggravated assault or assault when the victim was at least 65 years of age at the time of the crime. Current law requires that the age of the victim be assigned special weight if the victim was less than 6 years of age at the time of the crime.

LD 1844 **An Act To Amend the Maine Criminal Code and Motor Vehicle** **PUBLIC 657**
Laws as Recommended by the Criminal Law Advisory Commission

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ OTP-AM MIN	H-853

LD 1844 proposed to do the following:

1. Add “date of birth” to the information that must be provided to a law enforcement officer upon request by the person to whom a summons is issued or delivered under either the Maine Revised Statutes, Title 17-A, section 15-A or 17. Currently, the information required of the person is limited to name and address. Date of birth is an important aid in properly identifying the person being summonsed and is currently required in Title 29-A, section 105, subsection 4. The bill also proposed to add the word “correct” relative to the information to be supplied by the person and to strike an exception relative to use of nonconforming forms that no longer is relevant;
2. Address a defect in the statute prohibiting obstruction of government administration revealed by the recent case of State v. Matson, 2003 ME 34, 818 A.2d 213. In Matson, the defendant had been convicted under the statute for physically interfering with the arrest of another person. Because the physical interference, intentionally standing in the way and refusing to move, was held to constitute something less than "force, violence or intimidation," the conviction was reversed. The focus of the crime is intentional physical interference with an