

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on
Criminal Justice and Public Safety*

August 2005

Members:

Sen. Bill Diamond, Chair

Sen. John M. Nutting

Sen. Dean F. Clukey

Rep. Patricia A. Blanchette, Chair

Rep. Stan Gerzofsky

Rep. Carol A. Grose

Rep. Rosaire "Ross" Paradis, Jr.

Rep. Stephen P. Hanley

Rep. Richard M. Sykes

Rep. John W. Churchill

Rep. Christian D. Greeley

Rep. Kimberly J. Davis

Rep. Gary E. Plummer

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Maine State Legislature

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122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

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. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included 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).

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 June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

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LD 719 proposed to allow a person who has been the victim of gross sexual assault or domestic violence or has been threatened with domestic violence and has filed a police report regarding that threat to carry a concealed weapon unless that person has been convicted of murder or a Class A, B or C crime.

LD 760 **An Act To Assist Municipalities in Recruiting Emergency Services Personnel** **ONTP**

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

LD 760 proposed to require that if a municipality offers coverage under a group health plan to its employees, it must also offer the same option for health coverage to a person employed by or under contract with the municipality who provides emergency services. The bill did not propose to require that a municipality pay for any portion of the premium for eligible emergency services personnel, unless required to do so by a collective bargaining agreement or other contractual obligation.

LD 812 **An Act To Make Illegal Possession of Certain Narcotic Drugs a Class C Crime** **PUBLIC 442**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A DAMON	OTP-AM	H-121

LD 812 proposed to make illegal possession of oxycodone, hydrocodone and hydromorphone a Class C crime.

Committee Amendment "A" (H-121) proposed to incorporate a fiscal note.

Enacted law summary

Public Law 2005, chapter 442 makes illegal possession of oxycodone, hydrocodone and hydromorphone a Class C crime.

LD 834 **An Act To Prevent Camcorder Piracy** **PUBLIC 199**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY DAVIS P	OTP-AM	H-259

LD 834 proposed to amend Title 17 to authorize a motion picture theater owner to detain a person suspected of illegally recording motion pictures, just as a storeowner may detain a person suspected of shoplifting. This bill proposed to amend the theft by unauthorized taking law by adding the Class C offense of knowingly operating an

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audiovisual or audio recording function of any device in a motion picture theater without the written consent of the theater owner. The bill also proposed to amend the definition of “value” in the theft laws to provide that, notwithstanding the requirement that if a minimum value cannot be ascertained the value is deemed to be less than \$500, the value of any audio or visual recording obtained without written consent of the theater owner is deemed to be no less than \$5,000.

Committee Amendment "A" (H-259) proposed to retain the current 1/2 hour detention of persons suspected of stealing allowed merchants while waiting for law enforcement to arrive. Instead of deeming the value of an audio or video recording to be \$5,000, the amendment proposed to authorize the value to be deemed to be more than \$500 but less than \$1,000, unless a higher value can be proven. The amendment also proposed to specify that the new crime requires that the purpose of the person filming be to make a copy of the motion picture and to reclassify the crime as a Class D crime.

Enacted law summary

Public Law 2005, chapter 199 makes camcorder piracy and receiving stolen property obtained through camcorder piracy a Class D crime. Camcorder piracy includes the necessary element that the purpose of the person filming is to make a copy of the motion picture. The value of any audio or visual recording that is unlawfully acquired is deemed to be more than \$500 but less than \$1,000, unless a higher value can be proven.

Public Law 2005, chapter 199 also authorizes motion picture theater owners to detain a person suspected of camcorder piracy if there is probable cause to believe the person is unlawfully concealing part of or operating an audiovisual or audio recording function of any device in the motion picture theater while a motion picture is being exhibited, without the written consent of the motion picture theater owner. The purposes of detention include requiring the person being detained to provide identification, to verify the identification, to inform a law enforcement officer of the detention, to surrender that person to the officer and to take possession of and hold stolen merchandise or recordings and related equipment pending arrival of law enforcement.

LD 847

An Act To Increase the Class of Crime for Home Trespass

ONTP

Sponsor(s)
LEWIN
ANDREWS

Committee Report
ONTP

Amendments Adopted

LD 847 proposed to increase the class of crime for a first-time criminal trespass offense from a Class D to Class C and to require that the court impose a minimum mandatory sentence of incarceration of 3 years, none of which may be suspended. The bill proposed that the court shall impose for a 2nd offense a minimum mandatory sentence of incarceration of 5 years' imprisonment, none of which may be suspended and for a 3rd or subsequent violation, which is a Class B crime, a minimum mandatory sentence of imprisonment of 10 years' imprisonment, none of which may be suspended.