

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

Second Regular Session

Bill Summaries

*Joint Standing Committee
on
Criminal Justice and Public Safety*

July 2006

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.
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Rep. John W. Churchill
Rep. Christian D. Greeley
Rep. Kimberly J. Davis
Rep. Gary E. Plummer*

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Maine State Legislature



Office of Policy and Legal Analysis Office of Fiscal and Program Review

122nd Maine Legislature Second Regular 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 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 (Pocket Veto).....	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 August 23, 2006.

Joint Standing Committee on Criminal Justice and Public Safety

sentencing process, pursuant to Title 17-A, section 1252-C, subsection 1, the court shall select a term of at least 20 years.

LD 1718

An Act To Amend the Law Relating to the Crime of Visual Sexual Aggression against a Child

PUBLIC 655

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-766 H-826 BLANCHETTE
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LD 1718 proposed to amend the violation of privacy law to make it a Class C crime if the victim of the crime has not in fact attained 16 years of age at the time of the offense. Violation of privacy is currently a Class D crime.

Committee Amendment “A” (H-766) proposed to replace the bill and amend the crime of visual sexual aggression against a child, instead of amending the crime of violation of privacy. This amendment proposed to create a new version of visual sexual aggression against a child that requires that, for the purpose of arousing or gratifying sexual desire, a person at least 18 years of age intentionally engages in visual surveillance, aided or unaided by mechanical or electronic equipment, of the uncovered breasts, buttocks, genitals, anus or pubic area of another person in a private place. The crime also proposed to provide that the victim is not the actor's spouse and has not in fact attained 14 years of age, and that the act is carried out under circumstances in which a reasonable person would expect to be safe from such visual surveillance. The amendment proposed that the new crime is a Class D crime, unless committed against a person who has not attained 12 years of age, in which case it is a Class C crime.

The crime of visual sexual aggression against a child falls within chapter 11 of the Maine Criminal Code, which means that a person convicted of the Class D version, as well as the Class C version of this crime, may be subject to the sentencing alternative of probation. As proposed this amendment also makes the person convicted of this prohibited conduct subject to the requirements of the Sex Offender Registration and Notification Act of 1999.

House Amendment “A” to Committee Amendment “A” (H-826) proposed to restore language that was inadvertently omitted from the committee amendment.

Enacted law summary

Public Law 2005, chapter 655 creates a new version of visual sexual aggression against a child that requires that, for the purpose of arousing or gratifying sexual desire, a person at least 18 years of age intentionally engages in visual surveillance, aided or unaided by mechanical or electronic equipment, of the uncovered breasts, buttocks, genitals, anus or pubic area of another person in a private place. The crime also provides that the victim is not the actor's spouse and has not in fact attained 14 years of age, and that the act is carried out under circumstances in which a reasonable person would expect to be safe from such visual surveillance. This new crime is a Class D crime, unless committed against a person who has not attained 12 years of age, in which case it is a Class C crime.

The crime of visual sexual aggression against a child falls within chapter 11 of the Maine Criminal Code, which means that a person convicted of the Class D version, as well as the Class C version of this crime, may be subject to the sentencing alternative of probation. This amendment also makes the person convicted of this prohibited conduct subject to the requirements of the Sex Offender Registration and Notification Act of 1999.