

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.
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



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

LD 1789

An Act To Amend the Crime of Aggravated Criminal Mischief

PUBLIC 660

<u>Sponsor(s)</u> NUTTING J	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> S-504
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LD 1789 proposed to expand the current crime of terrorizing to establish the Class C crime of “environmental terrorizing.” The bill proposed that a person is guilty of this crime if the person commits a crime of violence dangerous to human life or destructive to property or business practices for the purpose of protesting the practice of a person or business with respect to a natural resource or environmental issue, and the act causes injury in fact to a person or damage to property or a business or purposefully causes a significant interruption in business or loss of products that results in loss of revenues or in compensable damages. The bill proposed to specify that the new crime does not apply to a person who is protesting during a labor dispute, a strike or a lockout at a business.

Committee Amendment “A” (S-504) was the majority report of the Joint Standing Committee on Criminal Justice and Public Safety and proposed to add to the Class C crime of aggravated criminal mischief a new form. To satisfy this new form, the amendment proposed that the State must prove beyond a reasonable doubt both that the actor intentionally damaged, destroyed or tampered with the property of another, having no reasonable ground to believe that the person had a right to do so, and that at the time of the actor's actions the actor's motive was to cause substantial harm to the health, safety, business, calling, career, financial condition, reputation or personal relationships of the person with the property interest or any other person. This list of harmful motives is modeled after the crime of theft by extortion in the Maine Revised Statutes, Title 17-A, section 355.

Senate Amendment “A” to Committee Amendment “A” (S-605) proposed to specify that a person commits aggravated criminal mischief if the person intentionally damages, destroys or tampers with the property of another, having no reasonable ground to believe that the person has a right to do so, for the purpose of harming substantially any other person with respect to that person's health, safety, business, calling, career, financial condition, reputation or personal relationships. This amendment was not adopted.

Enacted law summary

Public Law 2005, chapter 660 adds to the Class C crime of aggravated criminal mischief a new form. To satisfy this new form the State must prove beyond a reasonable doubt both that the actor intentionally damaged, destroyed or tampered with the property of another, having no reasonable ground to believe that the person had a right to do so, and that at the time of the actor's actions the actor's motive was to cause substantial harm to the health, safety, business, calling, career, financial condition, reputation or personal relationships of the person with the property interest or any other person. This list of harmful motives is modeled after the crime of theft by extortion in the Maine Revised Statutes, Title 17-A, section 355.

LD 1810

An Act Regarding Criminal History Record Checks

ONTP

<u>Sponsor(s)</u> DUNN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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Joint Standing Committee on Criminal Justice and Public Safety

LD 1810 proposed to require the State Bureau of Identification within the State Police under the Department of Safety to establish procedures by rule to ensure that information that is released as part of a criminal history record check is current and valid, identifies the correct individual and is released in accordance with law.

LD 1825

**An Act To Amend the Rule-making Authority of the
Commissioner of Public Safety Regarding the Construction,
Installation, Maintenance and Inspection of Chimneys, Fireplaces,
Vents and Solid Fuel Burning Appliances**

**PUBLIC 571
EMERGENCY**

<u>Sponsor(s)</u> THOMAS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-943
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LD 1825 proposed to provide that a municipal fire department, volunteer fire association or fire ward that inspects a chimney or wood stove or any other heating device or appliance may not be held liable for any claim arising from death or injury or damage to property if any alterations are made to the chimney or wood stove or any other heating device or appliance after the inspection has taken place.

Committee Amendment “A” (H-943) proposed to replace the bill, change the title, add an emergency preamble and clause and amend the Commissioner of Public Safety's rule-making authority regarding the construction, installation, maintenance and inspection of chimneys, fireplaces, vents and solid fuel burning appliances. The amendment proposed to repeal the current directive to the Commissioner of Public Safety to adopt the National Fire Protection Association Code #211, “The Standards for Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances,” and replace that with more general rule-making authority that directs the commissioner to adopt routine technical rules pertaining to the construction, installation, maintenance and inspection of chimneys, fireplaces, vents and solid fuel burning appliances. The amendment also proposed to authorize the commissioner to adopt major substantive rules pertaining to the inspection and maintenance of chimneys, fireplaces, vents and solid fuel burning appliances upon the sale or transfer of property.

The purpose of amending the current rule-making authority was specifically to address the regulatory requirement that Level II chimney inspections be conducted upon the sale or transfer of real estate pursuant to National Fire Protection Association Code #211. The amendment proposed to give the Commissioner of Public Safety the ability to tailor rules to the needs of the State.

The amendment also proposed to add a penalty provision that specifies that a person who violates a rule adopted pursuant to the Maine Revised Statutes, Title 25, section 2465 commits a civil violation for which a fine of not less than \$200 and not more than \$500 may be adjudged. The amendment proposed that this penalty does not apply to a rule requiring an annual chimney inspection for a single-family home.