

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
116TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES  
JOINT SELECT COMMITTEE  
ON  
CORRECTIONS

MAY 1994

**Staff:**  
*John B. Knox, Legislative Analyst*

*Office of Policy and Legal Analysis  
Room 101, State House Station 13  
Augusta, ME 04333  
(207)287-1670*

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PAUL J. SAUCIER  
JOHN G. KELLEY, RESEARCHER  
DARLENE A. SHORES LYNCH, RESEARCHER  
CARRIE C. McFADDEN, RESEARCHER

STATE OF MAINE  
OFFICE OF POLICY AND LEGAL ANALYSIS  
ROOM 101/107/135  
STATE HOUSE STATION 13  
AUGUSTA, MAINE 04333  
TEL: (207) 287-1670  
FAX (207) 287-1275

**ONE HUNDRED AND SIXTEENTH LEGISLATURE  
SECOND REGULAR SESSION**

**JOINT STANDING COMMITTEE  
BILL SUMMARIES**

**MAY 1994**

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. All adopted amendments are listed, by paper number, together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

*PUBLIC XXX*

*P&S XXX*

*RESOLVE XXX*

*CON RES XXX*

*EMERGENCY*

*ONTP*

*INDEF PP*

*FAILED ENACTMENT*

*FAILED EMERGENCY ENACTMENT*

*FAILED MANDATE ENACTMENT*

*DIED BETWEEN BODIES*

*CONF CMTE UNABLE TO AGREE*

*VETO SUSTAINED*

*UNSIGNED*

*DIED ON ADJOURNMENT*

*Chapter # of enacted Public Law*

*Chapter # of enacted Private & Special Law*

*Chapter # of enacted Resolve*

*Chapter # of Constitutional Resolution passed by both Houses*

*Enacted law takes effect sooner than 90 days*

*Ought Not to Pass report accepted*

*Bill Indefinitely Postponed*

*Bill failed to get majority vote*

*Emergency bill failed to get 2/3 vote*

*Bill imposing local mandate failed to get 2/3 vote*

*House & Senate disagree; bill died*

*Committee of Conference unable to agree; bill died*

*Legislature failed to override Governor's Veto*

*Not signed by Governor within 10 days*

*Action incomplete when session ended; bill died*

These summaries were prepared by the analyst or analysts assigned to the committee. If you have any suggestions or comments on the summaries, please let us know.

5581LHS

## Joint Select Committee on Corrections

### **LD 421** An Act Concerning Split Sentences

ONTP

**SPONSOR(S)**  
HANDY

**COMMITTEE REPORT**  
ONTP

**AMENDMENTS ADOPTED**

#### **SUMMARY**

Currently, in accord with 17-A MRSA section 1203 and 1252, the courts are required to sentence to county jails prisoners convicted of Class A, B and C crimes whose imprisonment sentence is 9 months or less. This time limit is to increase to 12 months on January 1, 1995. The Department of Corrections is required to reimburse the counties for those prisoners to the extent that money is appropriated. The limitation on reimbursement to only the money appropriated was added in 1992 as a result of an Appropriations Committee recommendation.

This bill eliminates the provision that would have lengthened from 9 to 12 months the period of imprisonment for split sentence prisoners that would require jail confinement.

### **LD 733** An Act to Amend the Laws Governing Protective Custody

PUBLIC 592

**SPONSOR(S)**  
CLEVELAND

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
S-469

#### **SUMMARY**

Currently, if a law enforcement officer takes a person into protective custody, the officer is required to remain with the person at the mental health facility awaiting examination. The original bill transfers responsibility for a person in protective custody to the facility once the law enforcement officer has completed an application for emergency admission.

COMMITTEE AMENDMENT "A" (S-469) replaces the bill and allows law enforcement agencies and health facilities to attempt to work out a solution to the custody issue. The amendment allows protective custody to be transferred from the law enforcement officer requesting the examination to another law enforcement officer or a health officer.

HOUSE AMENDMENT "A" (H-873) replaces the committee amendment. This amendment adds a provision to the bill that requires that state mental health institutes admit for observation and diagnosis those persons whose admission is applied for on an emergency basis. Currently, those hospitals may admit, but are not required to admit, those persons.

### **LD 901** An Act to Reinstate a System of Parole

ONTP

**SPONSOR(S)**  
HOLT  
BUSTIN

**COMMITTEE REPORT**  
ONTP

**AMENDMENTS ADOPTED**

#### **SUMMARY**

This bill implements a system of parole for prisoners sentenced to terms of imprisonment under the Maine Revised Statutes, Title 17-A, section 1252 in the custody of the Department of Corrections on and after October 1, 1993. Prisoners sentenced to county jails are not eligible for parole. Under the bill, parole is deemed to be imprisonment for purposes of determinate sentencing under the Maine Criminal Code. The bill provides that the State Parole Board may not discharge or alter any condition of probation or other term assigned by a court for the suspended portion of a sentence. The bill clarifies