

MAINE STATE LEGISLATURE

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STATE OF MAINE
116TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
LEGAL AFFAIRS

MAY 1994

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**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

SUMMARY

This resolve would have authorized Stephanie Burton to sue the Town of Freeport for damages resulting from an injury allegedly sustained in a motor vehicle accident that involved a vehicle driven by an employee of the town. This resolve was carried over from the First Regular Session.

LD 1295 An Act to Amend the Laws Pertaining to the Protestant Episcopal Church

P & S 70

SPONSOR(S)
CATHCART

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-776

SUMMARY

This bill amends the enabling laws for the organization of the Protestant Episcopal Church in this State by making those provisions gender neutral and making other technical changes to the laws. This bill was carried over from the First Regular Session.

COMMITTEE AMENDMENT "A" (H-776) replaces the original bill. The amendment amends the enabling laws for the organization of the Protestant Episcopal Church in this State by making those provisions gender neutral and by making other technical changes to the laws.

The amendment also removes the dollar limitation for the amount allowed in the diocesan funds in the diocese of Maine. All other state law protections remain the same.

LD 1310 An Act to Promote Professionalism in the Law Enforcement Community

ONTP

SPONSOR(S)
KETTERER
HARRIMAN

COMMITTEE REPORT
ONTP

AMENDMENTS ADOPTED

SUMMARY

This bill would have made the following changes related to the Maine Criminal Justice Academy and the training of law enforcement officers.

1. The bill would have increased the membership of the Board of Trustees of the Maine Criminal Justice Academy to include 3 additional citizen members.
2. The bill would have required the board to adopt policies regarding procedures for using deadly force and dealing with barricaded persons, persons with variant social capabilities, domestic violence, bias crimes, fleeing felons, high-speed chases and citizens' complaints.
3. The bill would have required the board to set uniform admission and certification standards.
4. The bill would have required, subject to available funding, a minimum of 20 hours of in-service training annually for law enforcement officers.
5. The bill would have required that all law enforcement officers other than those employed on the effective date of this bill be 21 years of age or older and requires that by January 1, 2000, an applicant for a law enforcement position must have an associate degree or the equivalent.
6. The bill would have established a complaint review committee to review certain complaints and make recommendations to the board.

7. The bill would have provided that a law enforcement officer's probationary period begins after completion of academy training.

Many of the issues in this bill were incorporated into LD 1114, An Act to Amend the Laws Governing the Training and Certification of Law Enforcement Officers. This bill was carried over from the First Regular Session.

LD 1324 An Act to Create Statewide Arrest Powers for Municipal and County Law Enforcement Officers

PUBLIC 594

SPONSOR(S)
LAWRENCE

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
S-463
S-487 HALL

SUMMARY

This bill provides municipal police officers with statewide arrest powers under certain circumstances. This bill was carried over from the First Regular Session.

COMMITTEE AMENDMENT "A" (S-463) replaces the original bill. This amendment gives a municipality the ability to grant its police officers, while either on or off duty, the authority to make warrantless arrests for serious victim crimes that occur in the police officers' presence and while the police officers are outside the municipality in which they are appointed. The amendment also gives a municipality the option to authorize its police officers, while on duty and as part of an ongoing criminal investigation being conducted respecting a crime committed in that municipality, to make warrantless arrests while outside the municipality in which they are appointed to the extent that those arrests would be authorized by the Maine Revised Statutes, Title 17-A, section 15 and when notice is given to the municipality in which the arrest is to be made.

The amendment also clarifies that municipal police officers who are acting in the scope of duty, including acting outside their appointed jurisdictions if authorized by their municipalities, are treated the same for purposes of immunity, pension, workers' compensation, insurance and any other benefits as if they were acting in their own jurisdictions.

SENATE AMENDMENT "A" (S-487) TO COMMITTEE AMENDMENT "A" extends the authority granted to municipal officers with respect to optional powers for municipal police officers to county commissioners with respect to optional powers for sheriffs and certain deputy sheriffs.

LD 1393 An Act to Assist in Crime Prevention

PUBLIC 674

SPONSOR(S)
DONNELLY

COMMITTEE REPORT
ONTP MAJ
OTP-AM MIN

AMENDMENTS ADOPTED
H-855

SUMMARY

This bill requires that the Secretary of State revoke a person's license, permit or right to operate a motor vehicle for a period of no more than 5 years when that person is convicted of a drug-related crime and a motor vehicle was used in the commission of the crime. This bill was carried over from the First Regular Session.

COMMITTEE AMENDMENT "A" (H-855) replaces the original bill and is the minority report of the committee.

The amendment gives the court discretion to suspend a person's driver's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license, in addition to any other applicable