

MAINE STATE LEGISLATURE

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**STATE OF MAINE
118TH LEGISLATURE**

**FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION**

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
CRIMINAL JUSTICE**

JULY 1997

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Sen. Betty Lou Mitchell

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ONE HUNDRED EIGHTEENTH LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS

Summary Of Legislation Before The Joint Standing Committees
August 1997

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. 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 handled by the joint standing committees. It is organized alphabetically 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. 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).

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:

<i>CARRIED OVER</i>	<i>Bill carried over to Second Regular Session</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>OTP ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i>	<i>Committee report Ought To Pass In New Draft/New Title</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

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 26, 1997 and September 19, 1997 for the First Special Session.

David E. Boulter, Director
 Offices Located in the State House, Rooms 101/107/135

Sponsor(s)Committee Report
OTP-AMAmendments Adopted
H-377

LD 542 proposed to amend current law to provide guidance to the court in exercising its discretion to set bail or revoke bail in the context of a probation revocation proceeding.

The bill also proposed to amend current law to allow the Supreme Judicial Court by rule to condition an appeal to the Law Court upon the granting of a certificate of probable cause when the appeal is either by a person whose probation was revoked in the Superior Court or by a person whose probation was revoked in the District Court and who was unsuccessful before the Superior Court sitting as an intermediate appellate court. This bill was proposed by the Criminal Law Advisory Committee.

Committee Amendment "A" (H-377) proposed to specify that, when making decisions about bail in probation revocation proceedings, the court would have to be guided by the Maine Bail Code standards in the Maine Revised Statutes, Title 15, section 1051, subsections 2 and 3. The amendment also proposed to apply certain other provisions of the Maine Bail Code to probation revocation proceedings.

Enacted law summary

Public Law 1997, chapter 273 specifies that when making decisions about bail in probation revocation proceedings, the court must be guided by the Maine Bail Code standards in the Maine Revised Statutes, Title 15, section 1051, subsections 2 and 3. Public Law 1997, chapter 273 also amends current law to allow the Supreme Judicial Court by rule to condition an appeal to the Law Court upon the granting of a certificate of probable cause when the appeal is either by a person whose probation is revoked in the Superior Court or by a person whose probation is revoked in the District Court and who has been unsuccessful before the Superior Court sitting as an intermediate appellate court.

Public Law 1997, chapter 273 also applies the following provisions of the Maine Bail Code to probation revocation proceedings:

1. Title 15, chapter 105-A, subchapter IV regarding sureties and other forms of bail;
2. Title 15, chapter 105-A, subchapter V, articles 1 and 3 regarding enforcement; and
3. Title 15, section 1051, subsections 5 and 6 and section 1099-A, subsection 2 regarding appeals.

Sponsor(s)
POVICHCommittee Report
ONTPAmendments Adopted