

MAINE STATE LEGISLATURE

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STATE OF MAINE
118TH LEGISLATURE

SECOND REGULAR SESSION
AND
SECOND SPECIAL SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
CRIMINAL JUSTICE

MAY 1998

MEMBERS:

Sen. Robert E. Murray, Jr., Chair

Sen. William B. O'Gara

Sen. Betty Lou Mitchell

Rep. Edward J. Povich, Chair

Rep. George H. Bunker, Jr.

Rep. Roger D. Frechette

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Rep. Edgar Wheeler

Rep. Julie Ann O'Brien

Rep. James H. Tobin, Jr.

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ONE HUNDRED EIGHTEENTH LEGISLATURE
SECOND REGULAR AND SECOND SPECIAL SESSIONS

Summary Of Legislation Before The Joint Standing Committees
May 1998

We are pleased to provide this summary of bills that were considered by the Joint Standing Committees of the Maine Legislature. 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 handled by the joint standing committees. It is organized 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:

- 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
- INDEF PP*.....Bill Indefinitely Postponed
- ONTP*..... Ought Not To Pass report accepted
- OTP ND*..... Committee report Ought To Pass In New Draft
- OTP ND/NT*..... Committee report Ought To Pass In New Draft/New Title
- P&S XXX*..... Chapter # of enacted Private & Special Law
- PUBLIC XXX*..... Chapter # of enacted Public Law
- RESOLVE XXX*..... Chapter # of finally passed Resolve
- UNSIGNED*.....Bill held by Governor
- VETO SUSTAINED*.....Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is June 30, 1998 and July 9, 1998 for the Second Special Session. Second Special Session laws include Public Laws beginning with Chapter 718, Private and Special Laws beginning with Chapter 82 and Resolves beginning with Chapter 117.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUNKER	OTP-AM	H-970

LD 915 proposed to make the following changes to the laws governing criminal procedure as it relates to juveniles:

1. Establish, as a purpose of the Maine Juvenile Code, the provision of consequences, including those of a punitive nature, for repeated criminal behavior;
2. Change the definition of juvenile to one who has not yet attained 17 years of age;
3. Eliminate the need for a bind-over hearing unless the defendant requests one;
4. Amend the definition of "juvenile crime";
5. Require immediate notification of the juvenile caseworker if the law enforcement officer believes immediate secure detention is required;
6. Remove limitations for a law enforcement officer questioning an arrested juvenile;
7. Require a juvenile caseworker to issue a summons to the juvenile to appear in court at the time the caseworker requests that a petition be filed;
8. Authorize the prosecuting attorney to file a petition at any time more than 30 days after the juvenile caseworker has been given notice;
9. Amend the provisions governing issuance, contents and service of summonses;
10. Provide that the general public may not be excluded from any proceeding in which a juvenile is charged who at the time of the commission of the juvenile crime was 16 years of age or older;
11. Allow dissemination of information contained in juvenile records by one criminal justice agency to another if the person concerned was at least 16 years of age at the time the crime was committed; and
12. Increase from 30 to 90 days the length of time the court may commit a juvenile to the Maine Youth Center.

Committee Amendment "A" (H-970) replaced the bill and proposed to do the following:

1. Clarify that the purpose of the Juvenile Code includes consequences that may be of a punitive nature;
2. Amend the juvenile bind-over statute to include public safety and the age of the juvenile as factors the court must consider in determining whether to bind a juvenile over to the adult court system;

3. Amend the juvenile bind-over statute to shift from the State to the juvenile the burden of proof regarding the appropriateness of placement in the juvenile system when the juvenile is charged with a violent offense against a person;
4. Authorize the attorney for the State to order detention of a juvenile. Before making the detention determination, the attorney for the State would have considered the facts of the case, consulted with the juvenile caseworker who made the initial determination regarding detention and considered standards for detention that were used by juvenile caseworkers;
5. Clarify that law enforcement agencies may share juvenile criminal records with other law enforcement agencies for purposes of the administration of criminal justice and juvenile justice;
6. Reduce the delays in the juvenile justice system by eliminating the intermediate appeals process for juveniles bound over to criminal court; and
7. Add a fiscal note.

Enacted law summary

Public Law 1997, chapter 645 specifies that the purpose of the Maine Juvenile Code may include punitive consequences. Public Law 1997, chapter 645 amends the juvenile bind-over statute by shifting the burden of proof from the State to the juvenile regarding appropriateness of placement in the juvenile system when the juvenile is charged with a violent offense against a person and by directing the court to consider public safety and the age of the juvenile as factors when determining whether to bind the juvenile over to the criminal system. Public Law 1997, chapter 645 permits the attorney for the State, after considering the facts of the case and the standards for detention and consulting with the juvenile caseworker, to order detention of a juvenile. Public Law 1997, chapter 645 also permits law enforcement agencies to share juvenile criminal records with other law enforcement agencies. Public Law 1997, chapter 645 reduces the delays in the juvenile justice system by eliminating the intermediate appeals process for juveniles bound over to criminal court.

LD 1592 **An Act to Require Post-release Supervision of Prisoners Who Are Identified as High-risk Offenders** **ONTP**

<u>Sponsor(s)</u> BUNKER	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1592 proposed to allow the courts to sentence to a period of post-release supervision a person who commits a violent or sexual offense for which the person is sentenced to an unsuspended term of imprisonment of at least one year if the court determines that the person is at high risk of being a repeat offender. The bill also proposed to set the parameters of the post-release supervision and its termination.

LD 1667 **An Act to Permit Involuntary Medication of Mentally Ill Persons Residing in Department of Corrections Facilities** **ONTP**