

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. William B. O'Gara
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

LD 918

**An Act to Increase the Penalties for Criminal OUI for Persons
Previously Convicted of Vehicular Manslaughter**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER KILKELLY	ONTP	

LD 918 proposed to increase the range of sentences a judge could give for criminal OUI when sentencing a person who was previously convicted of manslaughter involving the operation of a motor vehicle. A person who committed the offense of criminal OUI after a prior manslaughter conviction involving the use of a motor vehicle would have been subject to the same range of penalties as persons with 3 or more prior OUI offenses in a 10-year period.

LD 920

**An Act Criminalizing the Failure of One Parent to Report a Sexual
Assault or Exploitation of a Child by Another Parent**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KERR MACKINNON	ONTP	

LD 920 proposed to make it a Class D crime for a parent or surrogate parent to fail to report or cause a report to be made to the Department of Human Services if that parent knew of, or had reasonable cause to suspect, sexual assault or exploitation of a child by another parent or surrogate parent.

LD 996

An Act to Amend the Definition of a Juvenile

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRAGDON MITCHELL B	ONTP	

LD 996 proposed to amend the Juvenile Code and the Maine Criminal Code by reducing to 17 years of age from 18 years of age the age at which a person is considered a juvenile.

LD 1026

**An Act to Reduce the Presumptive Amount for Trafficking in
Marijuana from 2 Pounds to One Pound**

PUBLIC 481

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHEELER E HALL	OTP-AM	H-422

LD 1026 proposed to reduce the amount of marijuana required to constitute the Class C crime of unlawful trafficking from 2 pounds to 453 grams and to reduce the presumptive amount of marijuana for unlawful trafficking from 2 pounds to 453 grams.

Committee Amendment "A" (H-422) proposed to correct the Maine Revised Statutes, section 1101, subsection 17, paragraph D by making it clear when a person is guilty of trafficking in marijuana.

The amendment proposed to round off the amount of marijuana required to constitute the Class C crime of trafficking from 453 grams to one pound and to round off the presumptive amount of marijuana to constitute unlawful trafficking from 453 grams to one pound. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 481 reduces the amount of marijuana required to constitute the Class C crime of trafficking to one pound and reduces the presumptive amount of marijuana to constitute unlawful trafficking to one pound.

LD 1033 An Act to Provide Conflict Resolution Education for Juvenile Offenders ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP JENKINS	ONTP	

LD 1033 proposed to require the Department of Education to provide academic and social programs to juvenile offenders to give them the opportunity to discuss methods of crime prevention and conflict resolution with community members and school personnel.

LD 1065 An Act to Require Law Enforcement Officers to Inform a Person Who Fails to Submit to a Test about the Informed Consent Law PUBLIC 357

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POVICH	OTP	H-600 POVICH S-232 MILLS

LD 1065 proposed to clarify that law enforcement officers are not required to advise drivers who submit to chemical testing of what might have happened if the driver had refused to submit to testing.

Senate Amendment "A" (S-232) proposed to prohibit the use of a refusal or failure to submit to a test as evidence against that person or to be considered an aggravating factor in sentencing unless the person had been told of the specific consequences of that refusal or failure.

House Amendment "A" to Senate Amendment "A" (H-527) proposed to clarify that the refusal to submit applied to tests other than just a blood test.