

# 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**

**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.  
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**Maine State Legislature**

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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](http://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:

- CARRIED OVER*.....*Bill carried over to Second Regular Session*
- 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 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 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.

**House Amendment "B" to Senate Amendment "A" (H-600)** proposed to change the title of the bill and to provide that a refusal to submit to any test could not be used against a person, unless the person had first been told that the refusal or failure would result in certain consequences.

***Enacted law summary***

Public Law 1997, chapter 357 was enacted in response to State v. Harold Stade (Law Docket No. PIS 95-564) in which the law court held that a police officer's imprecise recitation of the consequences of refusal required exclusion of chemical test results at the OUI trial even though the driver had not refused.

Public Law 1997, chapter 357 clarifies that law enforcement officers are not required to advise drivers who do submit to chemical testing of what might have happened if the driver refused to submit to testing. Public Law 1997, chapter 357 also prohibits the use of a refusal or failure to submit to a test as evidence against that person or as an aggravating factor in sentencing unless the person has been told of the specific consequences of that refusal or failure.

Public Law 1997, chapter 357 also specifies that a refusal to submit to any test may not be used against a person, unless that person has first been told that the refusal or failure will result in certain consequences.

**LD 1069**                      **An Act to Require Prisoners to Pay Court Fines and Family Support**                      **PUBLIC 358  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAILHOT	OTP-AM	H-378 H-476 POVICH

LD 1069 proposed to require a prisoner in a work program to pay 25% of that prisoner's gross weekly wages to pay court ordered fines. The chief administrative officer of the correctional facility would have had to collect court ordered fines after the prisoner had paid in full any victim restitution.

**Committee Amendment "A" (H-378)** proposed to do the following:

1. Add an emergency preamble and a mandate preamble to the bill and change the title;
2. Eliminate references to a prisoner's "income" and reinstate the original language, which refers to a prisoner's "money;"
3. Prohibit a prisoner from participating in a work program unless the prisoner agreed to pay at least 25% of that prisoner's money for the support of any dependent children;
4. Repeal Public Law 1997, chapter 41 and reenact Maine Revised Statutes, Title 30-A, section 1607 and Title 34-A, section 3039-A, so that a mandate preamble and emergency preamble could be added to them; and
5. Add a fiscal note.