

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:

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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

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**

Sponsor(s)
MAILHOT

Committee Report
OTP-AM

Amendments Adopted
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.

House Amendment "A" to Committee Amendment "A" (H-476) proposed to make technical changes to clarify that family support paid by a prisoner under these sections was to be used for all of the prisoner's dependent children.

Enacted law summary

Public Law 1997, chapter 358 prohibits a prisoner from participating in a work program unless the prisoner agrees to pay 25% of that prisoner's money for court ordered fines and restitution and at least 25% of that prisoner's money for the support of any dependent children. The chief administrative officer of the correctional facility where the prisoner is incarcerated must collect the prisoner's money for fines, restitution and child support and disburse the money to the court, victims and the parent of the dependent child, respectively.

Public Law 1997, chapter 358 was enacted as an emergency measure effective on May 31, 1997.

LD 1071 An Act to Ensure That Crime Victims Are Informed of Their Rights PUBLIC 286

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PEAVEY	OTP-AM	H-381

LD 1071 proposed to require district attorneys and other attorneys representing the State in criminal proceedings to provide victims of crime with informational pamphlets in every day language outlining the laws on victims' rights, the Victims' Compensation Fund, negotiated pleas and victim involvement in criminal proceedings.

Committee Amendment "A" (H-381) proposed to allow district attorneys and other attorneys representing the State to satisfy the notice requirements to victims by providing victims with pamphlets produced either by the attorney's office or by the Department of Corrections. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 286 requires district attorneys and other attorneys representing the State in criminal proceedings to provide victims of crime with informational pamphlets, produced either by the attorney's office or by the Department of Corrections, outlining the laws on victims' rights, the Victims' Compensation Fund, negotiated pleas and victim involvement in criminal proceedings.

LD 1096 An Act to Make It a Crime to Solicit a Child by Means of Computer to Commit an Unlawful Sex Act ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY	ONTP MAJ	
SMALL	OTP-AM MIN	

LD 1096 proposed to establish the crime of solicitation of a child by a computer. A person would have been guilty of this crime if that person were 16 years of age or older and knowingly, with the intent to commit an unlawful sex act, enticed, advised, coerced, ordered or commanded, by means of a computer, a child who was less than 16 years