

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

**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.
Rep. Roger D. Frechette
Rep. Sharon Libby Jones
Rep. Christopher T. Muse
Rep. Michael J. McAlevey
Rep. Judith B. Peavey
Rep. Edgar Wheeler
Rep. Julie Ann O'Brien
Rep. James H. Tobin, Jr.*

Staff:

*Marion Hylan Barr, Legislative Analyst
Heather H. Henderson, Legislative Analyst*

*Office of Policy and Legal Analysis
Room 101/107/135, 13 State House Station
Augusta, ME 04333
(207)287-1670*



Maine State Legislature

OFFICE OF POLICY AND LEGAL ANALYSIS

13 State House Station, Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

**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:

- 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

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

of age and at least 3 years younger than the defendant, to meet with the defendant or any other person for the purpose of committing an unlawful sex act. Solicitation of a child by a computer would have been the same class of crime as the crime solicited.

Committee Amendment "A" (H-620) was the minority report of the Joint Standing Committee on Criminal Justice and would have replaced the bill. The amendment proposed to make it a crime for a person who was at least 18 years of age to knowingly entice, advise, coerce, order or command a child under 14 years of age to allow the person to engage in conduct with the child that would be a sexual offense. The class of the crime would have been one class less than the class for the conduct that would constitute the sexual offense. The amendment also would have added a fiscal note to the bill.

LD 1179 An Act to Require the State to Take Responsibility for Detention of ONTP
Certain Juveniles by September 1, 1997

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

LD 1179 proposed to require the State to assume responsibility for detained and committed juveniles by September 1, 1997, regardless of whether the Northern Maine Regional Juvenile Detention Facility were operational.

LD 1184 An Act Regarding Firearms Proficiency Testing for Private PUBLIC 360
Investigators

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PEAVEY	OTP-AM MAJ ONTP MIN	H-511

LD 1184 proposed that a private investigator's certificate of firearms proficiency would be valid for at least 2 years and that a private investigator could not be required to undergo more than one proficiency examination during a 2-year period.

Committee Amendment "A" (H-511) replaced the bill. The amendment proposed to require a private investigator to pass a written examination prescribed by the Commissioner of Public Safety and be issued a concealed weapons permit by the Chief of the State Police in order to carry a firearm while performing the duties of a private investigator. The amendment also proposed to add a fiscal note.

Enacted law summary

Public Law 1997, chapter 360 requires a private investigator to pass a written examination prescribed by the Commissioner of Public Safety and be issued a concealed weapons permit by the Chief of the State Police in order to carry a firearm while performing the duties of a private investigator.