

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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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).

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 1573 **An Act to Establish Penalty for Violation of Compulsory School Attendance** **ONTP**

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

LD 1573 proposed to amend the truancy laws. The bill would have repealed the civil enforcement sections and would have specified that an adult commits a Class E crime if the adult had control of and was primarily responsible for a person who is habitually truant.

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

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

LD 1592 allows 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 sets out the parameters of the post-release supervision and its termination.

The bill was carried over to the Second Regular Session of the 118th Legislature.

LD 1618 **An Act to Require That Handguns Sold in the State Be Equipped with Child-proof Trigger Locks** **ONTP**

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

LD 1618 proposed to prohibit firearm dealers from selling handguns unless the guns were equipped with trigger locks.

LD 1629 **An Act to Include Possession of a Dangerous Weapon as Grounds for Expulsion of a Student** **PUBLIC 298**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT	OTP-AM	S-251

LD 1629 proposed to make the manufacture, sale, purchase or possession of throwing stars a Class D crime.

Committee Amendment "A" (S-251) replaced the bill. The amendment proposed to allow a school to expel a student who possesses on school property, without the permission of a school official, a dangerous weapon, as defined in the Maine Revised Statutes, Title 17-A, section 2, subsection 9.

Enacted law summary

Public Law 1997, chapter 298 allows a school to expel a student who possesses on school property, without permission of a school official, a dangerous weapon, as defined in the Maine Revised Statutes, Title 17-A, section 2, subsection 9. Current law requires expulsion for possession, without the permission of a school official, of a firearm on school property.

LD 1647 **An Act to Allow the Attorney for the State, with the Consent of the Probation Officer, to File a Motion for Revocation of Probation** **ONTP**

<u>Sponsor(s)</u> JONES SL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1647 proposed to provide that the attorney for the State, with the consent of the probation officer, may file a motion for revocation of probation with the court.

LD 1656 **An Act to Suspend Certain Licenses of Teenagers Convicted of a Juvenile Crime** **ONTP**

<u>Sponsor(s)</u> MILLS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1656 proposed to allow the court to suspend, until 17 years of age or for one year, whichever is later, a person's privilege to operate a motor vehicle and the privilege to hunt or fish if that person were convicted of a juvenile crime.

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

<u>Sponsor(s)</u> MITCHELL B JONES SL		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1667 sets out the criteria and procedures for involuntary medication of mentally ill persons residing in Department of Corrections facilities. The bill conforms with the requirements set out by the United States Supreme Court in *Washington v. Harper*, 494 U.S. 210 (1990).

The bill was carried over to the Second Regular Session of the 118th Legislature.