

MAINE STATE LEGISLATURE

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STATE OF MAINE
118TH LEGISLATURE

SECOND REGULAR SESSION
AND
SECOND SPECIAL SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
CRIMINAL JUSTICE

MAY 1998

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:

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**ONE HUNDRED EIGHTEENTH LEGISLATURE
SECOND REGULAR AND SECOND SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees
May 1998**

We are pleased to provide this summary of bills that were considered by the Joint Standing Committees of the Maine Legislature. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. 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 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:

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 Second Regular Session (unless otherwise specified in a particular law) is June 30, 1998 and July 9, 1998 for the Second Special Session. Second Special Session laws include Public Laws beginning with Chapter 718, Private and Special Laws beginning with Chapter 82 and Resolves beginning with Chapter 117.

Enacted law summary

Public Law 1997, chapter 580 requires the Director of the Maine Emergency Management Agency, with the Office of the Chief Medical Examiner, to prepare a plan for the recovery, identification and disposition of human remains in a disaster.

LD 2022 **An Act to Make Corrections to the Laws Governing the Maine Bail Code** **PUBLIC 585
EMERGENCY**

<u>Sponsor(s)</u> MURRAY POVICH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-459
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LD 2022 proposed to make changes to the laws enacted by Public Law 1997, chapter 543 governing the Maine Bail Code to correctly reflect legislative intent.

Committee Amendment "A" (S-459) proposed to restore the definition of ensuring the integrity of the judicial process to the Maine Bail Code. The definition was inadvertently left out of the bill.

Enacted law summary

Public Law 1997, chapter 585 makes changes to the laws enacted by Public Law 1997, chapter 543 governing the Maine Bail Code to correctly reflect legislative intent.

LD 2027 **An Act to Ensure Collection of Essential Data by the Department of Public Safety** **PUBLIC 608
EMERGENCY**

<u>Sponsor(s)</u> MURRAY POVICH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-478
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LD 2027 proposed to expand the list of individuals who are authorized to take blood samples for DNA analysis to include licensed practical nurses and other licensed medical personnel trained to take blood samples.

This bill also proposed to require a law enforcement agency that enters a report of a missing child in the State Police and National Crime Information computer systems to update the report within 60 days with medical and dental information.

Committee Amendment "A" (S-478) replaced the bill. The amendment proposed to do the following:

1. Add a mandate preamble, an emergency preamble and an emergency clause;
2. Specify that the DNA data base must be located at the Maine State Police Crime Laboratory or at State Police headquarters in Augusta;

3. Clarify who is required to submit to having a blood sample drawn for the purpose of DNA analysis;
4. Clarify 2 existing crimes and adds 4 new crimes to the list of offenses for which blood samples must be drawn for DNA analysis;
5. Add to the list of persons who may draw blood samples for DNA analysis licensed practical nurses and others whose occupational training or license allows drawing blood;
6. Retain language from the bill relating to missing child reports, clarifying that medical and dental records must be entered within 60 days; and
7. Add a fiscal note.

Enacted law summary

Public Law 1997, chapter 608 expands the list of who may take blood samples for DNA analysis to include licensed practical nurses and other medical personnel trained to take blood samples. Public Law 1997, chapter 608 specifies that the DNA data base must be located at the Maine State Police Crime Laboratory or at State Police headquarters in Augusta. Public Law 1997, chapter 608 clarifies who must submit to having a blood sample drawn for DNA analysis and requires law enforcement agencies that report missing children to enter medical and dental records within 60 days.

LD 2030

**An Act to Promote the Receipt of Federal Funds and to Clarify the
Maine Juvenile Code**

PUBLIC 591

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURRAY JONES SL	OTP-AM	S-458

LD 2030 proposed to prohibit the use of deductions for good behavior from detention dispositions of 30 days or fewer for juveniles who committed juvenile crimes on or after October 1, 1995. This provision currently applies to juveniles who committed crimes prior to October 1, 1995.

This bill also proposed to make the Maine Revised Statutes, Title 15, section 3316, subsection 1 consistent with the rest of the Maine Juvenile Code, since there is no longer such a disposition as "commitment to the Department of Corrections" in that Code.

Finally, the bill proposed to facilitate the receipt of more federal funds when a juvenile voluntarily lives outside the juvenile's home by agreement with the Department of Corrections. Federal law permits federal funding for the first 12 months of such a placement but stops such funding thereafter unless a court has made the determination provided for in this provision.

COMMITTEE AMENDMENT "A" (S-458) proposed to require that within 180 days from the time a youth is voluntarily placed outside the youth's home the court must make an initial determination that reasonable efforts have been made to prevent or eliminate the need for out-of-home placement. Changing the time of initial review from 12 months to 180 days is consistent with federal law.