

# 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*  
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*Staff:*

*Marion Hylan Barr, 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**  
**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](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:

- 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.

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.

The amendment also proposed to add a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 591 prohibits the use of deductions for good behavior from any detention dispositions of 30 days or fewer, facilitates the receipt of more federal funds for juveniles who voluntarily live outside their homes and makes technical changes consistent with the Maine Juvenile Code.

**LD 2033                      An Act to Create the Sex Offender Registration and Notification Act of 1998                      ONTP**

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

LD 2033 proposed to provide for the registration of sex offenders in the State in conformance with the federal Jacob Wetterling Act. The bill proposed to do the following:

1. Expand the scope of the definition of "sex offender" for purposes of registration;
2. Add a new category: "sexually violent predator";
3. Increase the type of identifying information for sex offenders that must be kept by the State Bureau of Identification and direct the bureau to forward registration information to the Federal Bureau of Investigation for inclusion in the national sex offender database;
4. Set guidelines for sex offender responsibilities regarding registration;
5. Establish the Board of Examiners of Sex Offenders, which must include a member of the State Forensic Service; and
6. Create a penalty for failure to comply with sex offender registration requirements.

**LD 2072                      An Act to Amend the Laws Regarding Sex Offenders                      PUBLIC 768**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELANGER D PARADIS	OTP-AM    MAJ OTP-AM    MIN	H-1056 S-730    MICHAUD

LD 2072 proposed to strengthen the laws governing sex offender registration and notification by requiring law enforcement agencies to notify residents who reside within 1,000 feet of where the sex offender will reside.

**Committee Amendment "A" (H-1056)** replaced the bill and was the majority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to create a "safe children zone" that is defined as on or within 1,000 feet of the real property comprising a public or private elementary or secondary school or on or within