

# 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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**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.

1. Authorize financing for Phase I of the Adult Correctional Facilities Plan by allowing the Maine Governmental Facilities Authority to issue bonds in the amount of \$85,000,000 for this purpose;
2. Remove language that would have eliminated 30-day "shock" sentences for juveniles;
3. Make further technical corrections; and
4. Add an allocation section and a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 752 makes a number of technical changes to update language in the corrections statutes. Public Law 1997, chapter 752 allows the court to enforce a restitution order against a juvenile who has defaulted in the same way an order is enforced against an adult, except that a juvenile may not be confined in a county jail pending payment of restitution. Public Law 1997, chapter 752 clarifies the holding of juveniles taken into interim care and the Commissioner of Corrections' power of guardianship for medical services for juveniles. Public Law 1997, chapter 752 changes statutory references to the locations of the Maine State Prison and Downeast Correctional Facility to their respective counties. Public Law 1997, chapter 752 completes the transition to the restructured juvenile system and directs the Department of Corrections to submit legislation to make the law consistent with those changes. Finally, Public Law 1997, chapter 752 authorizes financing for Phase I of the Adult Correctional Facilities Plan by allowing the Maine Governmental Facilities Authority to issue bonds in the amount of \$85,000,000 for this purpose.

**LD 2248**

**An Act Authorizing the State to Appeal Decisions Granting Preconviction Bail**

**DIED BETWEEN HOUSES**

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

LD 2248 Current law allows a defendant who is refused preconviction bail to petition the Superior Court for a de novo determination of that refusal. This bill proposed to give the State the same right to petition the Superior Court for a de novo determination of a decision that grants a defendant preconviction bail.

**Committee Amendment "A" (S-544)** replaced the bill and was the majority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to clarify that an attorney for the State or a defendant may make a motion to the court for reconsideration of the court's preconviction or post-conviction bail decision. The judge or justice may, after notice, hold a hearing on the motion or may summarily deny the motion without hearing. The amendment also proposed to add a fiscal note. (Not adopted)

**Committee Amendment "B" (S-545)** replaced the bill and was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to clarify that an attorney for the State or a defendant may make a motion to the court for reconsideration of the court's preconviction or post-conviction bail decision. The judge or justice may, after notice, hold a hearing on the motion or may summarily deny the motion without hearing. The amendment also proposed to provide the State with the right to appeal a preconviction bail proceeding under the Maine Revised Statutes, Title 15, section 1026. The appeal allows for a de novo determination of bail. If

the bail proceeding were conducted in the District Court, the appeal would have been to a justice of the Superior Court, and if the bail proceeding were conducted in the Superior Court, the appeal would have been to a single justice of the Supreme Judicial Court. The amendment also proposed to add a fiscal note. (Not adopted)

**LD 2257**

**An Act to Make Public the Records of the Department of  
Corrections Relating to Inmate Furloughs and Requests under the  
Uniform Act for Out-of-State Parolee Supervision**

**PUBLIC 714  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JABAR MURRAY	OTP-AM	H-991

LD 2257 proposed to make public records of certain information within the Department of Corrections and other criminal justice agencies regarding furlough of convicted criminals, thus giving the department or agencies the ability to inform the public when criminals are being released from prison on furloughs or transferred into communities from other states. The bill also proposed to require that the department give notice to the law enforcement community prior to granting furloughs or requests under the Uniform Act for Out-of-State Parolee Supervision.

Currently, under the Uniform Act for Out-of-State Parolee Supervision, the department makes decisions concerning the release into Maine communities of convicted criminals who have little or no prior connection to the State. Under the Act, other states may seek to transfer a parolee to the State for supervision. There is no restriction on the type of individual who is eligible to seek such a transfer.

**Committee Amendment "A" (H-991)** replaced the bill and proposed to add emergency status. The amendment proposed to make public records of certain information within the Department of Corrections and other criminal justice agencies, thus giving the department or agencies the ability to inform the public when criminals are being released from prison on furloughs or transferred into communities from other states and to inform the public of current addresses or locations of criminals. The amendment proposed to require that the department give notice to the law enforcement community prior to granting furloughs or requests under the Uniform Act for Out-of-State Parolee Supervision. This amendment also proposed to require the department, upon request, to share information releasable under its confidentiality statute. Finally, the amendment proposed to decriminalize violations of the department's confidentiality statute and add a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 714 makes public certain records within the Department of Corrections and other criminal justice agencies, allowing the public to access information regarding the release and location of prisoners on furlough or transfers from other states. Public Law 1997, chapter 714 requires the Department of Corrections to give notice to the law enforcement community prior to granting furloughs or requests under the Uniform Act for Out-of-State Parolee Supervision. Public Law 1997, chapter 714 also directs the Department of Corrections, upon request, to share information releasable under its confidentiality statute and decriminalizes violations of the department's confidentiality statute.