

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

FIRST REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
CRIMINAL JUSTICE**

JULY 1999

MEMBERS:

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Sen. William B. O'Gara
Sen. Paul T. Davis*

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ONE HUNDRED NINETEENTH LEGISLATURE
FIRST REGULAR SESSION

Summary Of Legislation Before The Joint Standing and Select Committees
August 1999

We are pleased to provide this summary of all bills that were considered by the Joint Standing and Select Committees of the Maine Legislature this past session. 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 and select committees.

The document is organized for convenient reference to information on bills considered by the 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:

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
ENACTMENT FAILED..... Bill failed to get vote required for enactment or final passage
NOT PROPERLY BEFORE THE BODY..... Ruled out of order by the presiding officers; bill died
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 September 18, 1999.

1. Require law enforcement agencies to publicly auction such firearms each year and to permit them to contract with private entities to conduct these auctions;
2. Eliminate a related provision of current law that permits the retention of firearms for training purposes and the destruction of firearms;
3. Permit law enforcement agencies to retain the proceeds of firearm auctions; and
4. Permit the Attorney General, in accordance with these provisions, to adopt or amend rules pertaining to the sale, use and disposal of firearms and ammunition.

Committee Amendment "A" (H-39) proposed to replace the bill and was the majority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to permit law enforcement agencies to auction abandoned, lost, stolen or forfeited firearms and ammunition to the public. Currently, law enforcement agencies may auction confiscated firearms to federally licensed firearms dealers. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 47 permits, but does not require, law enforcement agencies to auction abandoned, lost, stolen or forfeited firearms and ammunition to the public, as well as to federally licensed firearms dealers.

LD 111 **An Act to Amend the Laws Regarding Penalties for the Purchase of Cigarettes by a Minor** **ONTP**

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

LD 111 proposed to require the suspension of a minor's motor vehicle operator's license for up to 90 days if the minor fails to pay a forfeiture imposed for the illegal possession of tobacco.

LD 130 **An Act to Prevent Children from Acquiring Gunpowder** **PUBLIC 11**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURRAY MCALEVEY	OTP	

LD 130 proposed that a person is guilty of endangering the welfare of a child, a Class D crime, if the person knowingly sells, furnishes, gives away or offers to sell, furnish or give away to a child under 16 years of age gunpowder or smokeless powder unless furnished by a parent, foster parent, guardian or an adult approved by the parent, foster parent or guardian for use in a supervised manner.

This bill was submitted on behalf of the Department of Public Safety.

Enacted law summary

Public Law 1999, chapter 11 amends the endangering the welfare of a child statute by making a person who knowingly sells, furnishes, gives away or offers to sell, furnish or give away to a child under 16 years of age gunpowder or smokeless powder. It is an affirmative defense to prosecution that the defendant was the parent, foster parent, guardian or an adult approved by the parent, foster parent or guardian who furnished a child under 16 years of age gunpowder or smokeless powder for use in a supervised manner.

LD 144 An Act to Make Corrections to the Laws Governing the County Jail INDEF PP
Prisoner Support and Community Corrections Fund

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHEELER E KIEFFER	OTP-AM	

LD 144 proposed to direct the Department of Corrections to include in its proposed current services budget estimates the amount necessary to fully fund the County Jail Prisoner Support and Community Corrections Fund at current levels, based on the United States Consumer Price Index established by the United States Department of Labor, Bureau of Labor Statistics.

The bill also proposed to include unallocated language that expresses the Legislature's intent that in the Governor's current services recommendations the Governor provide for full funding of the County Jail Prisoner Support and Community Corrections Fund, adjusted by a factor equal to the percent change in the United States Bureau of Labor Statistics' Consumer Price Index. As proposed, if the Governor's recommendations do not include full funding, then the Governor shall submit a report to the joint standing committee of the Legislature having jurisdiction over corrections and criminal justice matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs explaining why the Governor's legislation differs from the Department of Corrections' budget submission.

Committee Amendment "A" (H-40) proposed to direct the Department of Corrections, beginning July 1, 2002 and annually thereafter, to distribute the County Jail Prisoner Support and Community Corrections Fund to counties based on the percent distribution of actual funds reimbursed to counties pursuant to the Maine Revised Statutes, former Title 34-A, section 1210 in fiscal year 1997-98. The amendment proposed to clarify that each county's community corrections program account is nonlapsing. The amendment also proposed to add a fiscal note to the bill. This amendment was not adopted.

LD 153 An Act to Increase the Fee Charged by Bail Commissioners PUBLIC 15

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

LD 153 proposed to increase the fee a bail commissioner may charge from \$25 to \$40.

Enacted law summary

Public Law 1999, chapter 15 increases from \$25 to \$40 the fee a bail commissioner may charge.