

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

*State Of Maine
120th Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Criminal Justice*

August 2001

Members:

*Sen. Michael J. McAlevey, Chair
Sen. William B. O'Gara
Sen. Paul T. Davis*

*Rep. Edward J. Povich, Chair
Rep. Michael W. Quint
Rep. Charles E. Mitchell
Rep. Lillian LaFontaine O'Brien
Rep. Patricia A. Blanchette
Rep. Stanley J. Gerzofsky
Rep. Judith B. Peavey
Rep. Edgar Wheeler
Rep. James H. Tobin, Jr.
Rep. Lois A. Snowe-Mello*

Staff:

*Marion Hylan Barr, Legislative Analyst
Jon Clark, Senior Analyst*

*Office of Policy and Legal Analysis
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

120th Legislature
First Regular Session

Summary Of Legislation Before The Joint Standing Committees
August 2001

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 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*
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*
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 21, 2001**.

David E. Boulter, Director
 Offices Located in the State House, Rooms 101/107/135

Joint Standing Committee on Criminal Justice

LD 1048 as amended by Committee Amendment "A" and Senate Amendment "A" to Committee Amendment "A" was not removed by the Senate from the Special Appropriations Table and died on adjournment.

LD 1050 **An Act to Allow Victims of Crimes More Access to Inmate Records** **PUBLIC 208**

<u>Sponsor(s)</u> MCALEVEY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-73
-------------------------------	--	-----------------------------------	--	-----------------------------------

LD 1050 proposed to require the Department of Corrections to provide information about an inmate's incarceration, such as information concerning offenses committed while incarcerated and release information, to a victim upon the victim's request.

Committee Amendment "A" (S-73) replaced the bill. Under this amendment a victim of a crime could obtain, upon request, the following information about the inmate who committed the crime: whether the inmate had been charged with committing any crime while incarcerated and, if so, the crime with which the inmate has been charged; and whether the inmate had been disciplined while incarcerated and, if so, the offense for which the disciplinary action was taken and the type of disciplinary action taken.

Enacted law summary

Public Law 2001, chapter 208 allows a victim of a crime to obtain, upon request, the following information about the inmate who committed the crime: whether the inmate has been charged with committing any crime while incarcerated and, if so, the crime with which the inmate has been charged; and whether the inmate has been disciplined while incarcerated and, if so, the offense for which the disciplinary action was taken and the type of disciplinary action taken.

LD 1060 **An Act to Relieve Counties from the Expense and Responsibility of Transporting Certain Prisoners Between Correctional Facilities and Courts** **PUBLIC 228**

<u>Sponsor(s)</u> SKOGLUND SAVAGE C		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-352
---	--	-----------------------------------	--	------------------------------------

LD 1060 proposed to relieve the counties of the responsibility of transporting prisoners between a correctional facility and a court when the transportation is in connection with the prosecution of the prisoner for a crime committed within a correctional facility. The bill would have required the Department of Corrections to transport such prisoners.

Joint Standing Committee on Criminal Justice

Committee Amendment "A" (H-352) proposed to authorize the Department of Corrections to reimburse counties whose sheriffs undertake the responsibility of transporting prisoners between correctional facilities and courts in connection with the prosecution of a crime committed within the correctional facility.

Enacted law summary

Public Law 2001, chapter 228 relieves the counties of the responsibility of transporting prisoners between a correctional facility and a court when the transportation is in connection with the prosecution of the prisoner for a crime committed within a correctional facility. Public Law 2001, chapter 228 requires the Department of Corrections to transport such prisoners or authorizes the Department of Corrections to reimburse counties whose sheriffs undertake the responsibility of transporting prisoners between correctional facilities and courts in connection with the prosecution of a crime committed within the correctional facility.

LD 1069 **An Act to Amend the Laws Pertaining to Juvenile Offenders** **ONTP**

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

LD 1069 proposed to do the following:

1. Include in the definition of "juvenile crime" a willful refusal to pay a fine imposed under the Maine Revised Statutes, Title 15, section 3314;
2. Allow a juvenile community corrections officer to impose different or additional conditions of release from those listed in Title 15, section 3203-A, subsection 4, paragraph B, if the officer determined the conditions were necessary to ensure the juvenile's appearance or to ensure the protection of the community; and
3. Specify that if a Juvenile Court made any disposition of a case as provided under Title 15, section 3314, the court could not decrease the period of commitment to a Department of Corrections juvenile correctional facility.

LD 1075 **An Act to Prohibit Plea Bargaining for Cases of Murder and Felony Sex Offenses Against Children** **ONTP**

<u>Sponsor(s)</u> O'BRIEN J MCALEVEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
--	--	---------------------------------	--	---------------------------

LD 1075 proposed to prohibit plea bargaining in cases involving murder or a Class A, B or C sex offense in which the victim was under 18 years of age.