

# 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 scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**STATE OF MAINE  
114TH LEGISLATURE  
FIRST REGULAR SESSION**



**BILL SUMMARY  
JOINT STANDING COMMITTEE  
ON  
LEGAL AFFAIRS**

**JULY 1989**

**MEMBERS**

Sen. Zachary E. Matthews \*  
Sen. John E. Baldacci  
Sen. Robert G. Dillenback

Rep. Charles R. Priest \*  
Rep. Norman R. Paul  
Rep. John Jalbert  
Rep. Jo Anne D. Lapointe  
Rep. Mark W. Lawrence  
Rep. Charles C. Plourde  
Rep. Eleanor M. Murphy  
Rep. Jeanne F. Begley  
Rep. Albert G. Stevens  
Rep. Helen M. Tupper

\* Denotes Chair

Staff: Todd R. Burrowes, Legislative Analyst

Office of Policy & Legal Analysis  
Room 101, State House Sta. 13  
Augusta, ME 04333  
(207) 289-1670

MARTHA E. FREEMAN, DIRECTOR  
WILLIAM T. GLIDDEN, PRINCIPAL ANALYST  
ULIE S. JONES, PRINCIPAL ANALYST  
DAVID C. ELLIOTT, PRINCIPAL ANALYST  
GILBERT W. BREWER  
GODD R. BURROWES  
MICHAEL FLATEBO  
REBECCA C. FRIEDMAN  
JOHN B. KNOX



STATE OF MAINE  
**OFFICE OF POLICY AND LEGAL ANALYSIS**  
ROOM 101/107/135  
STATE HOUSE STATION 13  
AUGUSTA, MAINE 04333  
TEL: (207) 289-1670

ANNIKA E. LANE  
EDWARD POTTER  
MARGARET J. REINSCH  
LARS H. RYDELL  
JOHN R. SELSER  
HAVEN WHITESIDE  
CAROLYN J. CHICK, RES. ASST  
ROBERT W. DUNN, RES. ASST  
HARTLEY PALLESCHI, JR., RES. ASST

ONE HUNDRED AND FOURTEENTH LEGISLATURE  
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE  
BILL SUMMARIES  
AUGUST 1989

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The summaries are arranged by LD number for each committee.

All Adopted Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action is listed to the right of the title. If final House and Senate action differ, both are listed. Committee Reports and Floor Action are abbreviated as follows:

OTP	Ought to Pass
OTP-ND	Ought to Pass in New Draft
OTP-ND-NT	Ought to Pass in New Draft, New Title
OTP-A	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

Each individual summary was prepared by the analyst assigned, as noted for each committee. But, this document was produced by the efforts of all the office staff, including Research Assistant Barbara McGinn, and secretaries: Charlene Brann, and Valarie Parlin, and especially Laurette Knox who coordinated preparation of the overall document.

Please give us your suggestions and comments on these summaries and tell us of any inaccuracies.

LD 1122 An Act to Encourage Higher Voter Participation in All  
Elections by Allowing Absentee Balloting With or Without  
Cause

LV/WD

SPONSOR(S)

JOSEPH  
MATTHEWS  
ALLEN  
COTE

COMMITTEE REPORT

LV/WD

AMENDMENTS ADOPTED

SUMMARY

This bill allows a voter to cast an absentee ballot at any time within 30 days prior to an election either in person or by mail.

LD 1126 An Act to Enhance Enforcement of the Driving Under the  
Influence of Alcohol and Drug Laws

SPONSOR(S)

PARADIS P  
MAYO  
PRIEST  
MATTHEWS

COMMITTEE REPORT

AMENDMENTS ADOPTED

SUMMARY

This bill implements recommendations of the Alcohol and Drug Abuse Planning Committee contained in a report, "THE OFFENSE OF DRIVING UNDER THE INFLUENCE OF ILLEGAL DRUGS", printed in November 1988, in response to Resolve 1987, chapter 21.

Modeled after a Los Angeles Police Department program, the bill prescribes procedures for determining whether a person stopped for operating under the influence but found to have a low blood alcohol level is in fact impaired by another drug.

The bill expands motorists' implied consent duty to include the duty to submit to a chemical test for drugs other than alcohol. The bill directs the Department of Human Services to develop safe and reliable testing procedures which ensure respect of individuals' right of privacy. The bill appropriates funds to the department to cover the costs of chemical tests for drugs other than alcohol.

The bill provides that this drug testing program will begin as a pilot project with drug recognition experts hired and trained and operating to carry out the bill's provisions in Lincoln, Sagadahoc, Kennebec and Penobscot counties.

**LD 1138** An Act to Amend the Lottery Laws

LV/WD

SPONSOR(S)

DILLENBACK  
TUPPER  
STEVENS A  
JALBERT

COMMITTEE REPORT

LV/WD

AMENDMENTS ADOPTED

SUMMARY

This bill clarifies that the State Lottery Commission may suspend and revoke a license to sell lottery tickets after notice and hearing but that that agency need not follow Administrative Procedure Act licensing procedures in conducting that hearing.

The bill also provides that a lottery player's sole remedy in a dispute with the commission regarding whether that player had or should have had a winning ticket is refund of the ticket price.

LD 1142 An Act Concerning Law Enforcement Training

PUBLIC 521

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

KANY  
PRIEST  
STEVENS A  
TUPPER

OTP-AM

S-286  
S-421 PEARSON

SUMMARY

This bill makes a number of changes in the training required of law enforcement officers.

The bill standardizes the core curriculum for preservice training of state, county and municipal law enforcement officers under the guidance of the Maine Criminal Justice Academy (MCJA). The bill also mandates in-service training for law enforcement officers and corrections officers. The bill revises the definitions of "law enforcement officer" and "corrections officer" in addition to redefining "full-time" status in terms of annual work hours rather than income earned. The bill requires all full-time law enforcement officers subject to its provisions to comply with core curriculum training requirements.

The bill exempts certain state agency employees from the bill's training requirements and exempts law enforcement officers on the job on July 1, 1990, from the bill's preservice training requirements. Exempt state agency employees must complete appropriate training supplied by their employer.

The bill expands the role of the board of trustees of the MCJA to cover all law enforcement officers. The board is also required to develop certification standards to allow officers to demonstrate acquisition of knowledge and skills directly related to successful job performance. The bill requires the MCJA to report annually to the Joint Standing Committee on Legal Affairs on training standards, courses, availability of training and other pertinent issues.

The bill expands from 3 to 5 years the reimbursement period for agencies who hire an officer, whose training was paid for by another agency, trained after September 1, 1989.

Committee Amendment "A" makes several changes to clarify the bill's scope. The amendment defines "full-time" law enforcement and corrections officers as those who earn \$10,000 or more in a year. The amendment includes probation and intensive supervision officers in the definition of "law enforcement officer". The amendment provides that a law enforcement officer employed by a state agency, including the University of Maine System, and in compliance with established training requirements on July 1, 1990, is not subject to the new mandatory training requirements.

The amendment makes other technical corrections and includes an appropriation section and fiscal note.