

MAINE STATE LEGISLATURE

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STATE OF MAINE
115TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY

MAY 1992

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**ONE HUNDRED AND FIFTEENTH LEGISLATURE
SECOND REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

MAY 1992

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 volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

All adopted amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action on each bill is listed to the far right of the title. Various types of final action are abbreviated as follows:

PUBLIC XXX	Chapter # of enacted Public Law
P&S XXX	Chapter # of enacted Private & Special Law
RESOLVE XXX	Chapter # of enacted Resolve
CON RES XXX	Chapter # of Constitutional Resolution passed by both Houses
EMERGENCY	Enacted law takes effect sooner than 90 days
CARRIED OVER	Bill carried over to Special Session
ONTP	Ought Not to Pass report accepted
LVWD	Leave to Withdraw report accepted
INDEF PP	Bill Indefinitely Postponed
FAILED EMERGENCY ENACTMENT	Emergency bill failed to get 2/3 vote
DIED BETWEEN BODIES	House and Senate disagree; bill died
CONF CMTE UNABLE TO AGREE	Committee of Conference formed but unable to agree
VETO SUSTAINED	Legislature filed to override Governor's Veto
UNSIGNED	Not signed by Governor within 10 days
DIED ON ADJOURNMENT	Action incomplete when session ended; bill died

These summaries were prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond and Valarie Parlin, especially Laurette Knox who coordinated preparation of the overall document.

If you have any suggestions or comments on these summaries, please let us know.

22. Any violation of the laws regulating nurses and the practice of nursing;
23. Practicing osteopathic medicine without the proper license;
24. Practicing medicine without proper registration;
25. Intentionally interfering with property, believing that the interference will hinder or delay preparation or defense of the United States or any state; and
26. Intentionally causing defects or failing to note defects on inspection, believing that the defect will hinder or delay preparation or defense of the United States or any state.

The bill does not amend the minimum mandatory penalties for: hunting, fishing and trapping violations; operating under the influence; operating after suspension; sexual exploitation of a minor; and murder.

Committee Amendment "A" (H-1144): The amendment strikes from the bill the section that would eliminate mandatory minimum sentences in cases involving the dissemination of sexually explicit material to minors, aggravated drug trafficking or furnishing and the use of firearms.

LD 2383 An Act to Protect Intelligence and Investigative Information ONTP
in the Custody of the Department of Corrections

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
GILL MANNING HANLEY BUSTIN	ONTP	

SUMMARY

The Department of Corrections has many records in its custody that contain intelligence and investigative information that needs to be kept confidential for one or more of the reasons set out in the Maine Revised Statutes, Title 16, section 614. The Department of Corrections does not have a specific provision in the law that covers intelligence and investigative information. This bill corrects that oversight to include the Department of Corrections in Title 16.

Included in Committee Amendment "A" to LD 2018.

LD 2396 An Act to Clarify the Maine Juvenile Code PUBLIC 776

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
GILL BUSTIN MANNING HEPBURN		S-634 GAUVREAU

SUMMARY

The purpose of this bill is to clarify several sections of the Maine Juvenile Code as follows.
 [Engrossed without reference to Committee]

1. Current law allows a juvenile caseworker to release the identity of a juvenile to a victim or complainant prior to the filing of a petition but neglects to include one of the pertinent situations, specifically, when a juvenile caseworker decides that no further action is required on a complaint. This bill corrects this oversight.

2. The bill clarifies existing law to make clear that when a juvenile is sentenced to a period of detention of up to 30 days, the sentence must be served at the Androscoggin County Juvenile Detention Facility and the associated boarding cost remains the responsibility of the county having original jurisdiction as prescribed by law. When the Northern Maine Regional Juvenile Detention Facility comes on line, such detention must be served at that facility at state cost.
3. The bill clarifies that when a juvenile is sentenced to a period of incarceration following adjudication for the offense of operating a snowmobile, watercraft or motor vehicle while under the influence of intoxicating liquor or drugs, that incarceration must be served in a detention facility approved or operated by the Department of Corrections exclusively for juveniles and in accordance with the Maine Revised Statutes, Title 15, section 3314, subsection 1, paragraph H and in compliance with the requirement in Title 15, section 3205 that juveniles not be kept in adult-serving facilities as a general matter.
4. This bill allows the court to order a parent or legal guardian to provide insurance or pay for medical or other treatment services that are made a condition of probation or determined necessary by the court.
5. The bill clarifies that section of the Maine Juvenile Code governing indeterminate sentences to the Maine Youth Center. This bill clarifies that a juvenile may not be committed to the Maine Youth Center for a period of less than one year.

Senate Amendment "A" (S-578): The amendment added a fiscal note to the bill. [not adopted]

Senate Amendment "B" (S-634) – unanimous support of the Judiciary Committee: The amendment deletes 2 sections from the bill that require short sentences to be served in approved county facilities rather than the Maine Youth Center. When a juvenile is sentenced to the Maine Youth Center, the State pays the cost. When a juvenile is sentenced to a county facility, such as the Androscoggin County Juvenile Detention Facility, the county sending the juvenile must pay the cost, currently estimated at \$90 per day. This amendment avoids placing the additional cost on the counties.

**LD 2461 An Act to Increase Criminal Penalties on Deliberate
Polluters**

CARRIED OVER

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

MARSH
GAUVREAU
TREAT
ST. ONGE

SUMMARY

This bill is intended to clarify the existing criminal provisions of the environmental laws and to facilitate the enforcement of those provisions by the State.

The bill raises the class of crime for specific violations of the environmental laws from a Class E crime to a Class C crime.

The bill further revises the language on falsification of environmental records.

The bill further reclassifies the crimes of interfering with monitoring and testing devices and failure to provide information to be Class C crimes.

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