

MAINE STATE LEGISLATURE

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STATE OF MAINE
116TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
LEGAL AFFAIRS

MAY 1994

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

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

MAY 1994

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.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. All adopted amendments are listed, by paper number, together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

PUBLIC XXX

P&S XXX

RESOLVE XXX

CON RES XXX

EMERGENCY

ONTP

INDEF PP

FAILED ENACTMENT

FAILED EMERGENCY ENACTMENT

FAILED MANDATE ENACTMENT

DIED BETWEEN BODIES

CONF CMTE UNABLE TO AGREE

VETO SUSTAINED

UNSIGNED

DIED ON ADJOURNMENT

Chapter # of enacted Public Law

Chapter # of enacted Private & Special Law

Chapter # of enacted Resolve

Chapter # of Constitutional Resolution passed by both Houses

Enacted law takes effect sooner than 90 days

Ought Not to Pass report accepted

Bill Indefinitely Postponed

Bill failed to get majority vote

Emergency bill failed to get 2/3 vote

Bill imposing local mandate failed to get 2/3 vote

House & Senate disagree; bill died

Committee of Conference unable to agree; bill died

Legislature failed to override Governor's Veto

Not signed by Governor within 10 days

Action incomplete when session ended; bill died

These summaries were prepared by the analyst or analysts assigned to the committee. If you have any suggestions or comments on the summaries, please let us know.

5581LHS

7. The bill would have provided that a law enforcement officer's probationary period begins after completion of academy training.

Many of the issues in this bill were incorporated into LD 1114, An Act to Amend the Laws Governing the Training and Certification of Law Enforcement Officers. This bill was carried over from the First Regular Session.

LD 1324 An Act to Create Statewide Arrest Powers for Municipal and County Law Enforcement Officers

PUBLIC 594

SPONSOR(S)
LAWRENCE

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
S-463
S-487 HALL

SUMMARY

This bill provides municipal police officers with statewide arrest powers under certain circumstances. This bill was carried over from the First Regular Session.

COMMITTEE AMENDMENT "A" (S-463) replaces the original bill. This amendment gives a municipality the ability to grant its police officers, while either on or off duty, the authority to make warrantless arrests for serious victim crimes that occur in the police officers' presence and while the police officers are outside the municipality in which they are appointed. The amendment also gives a municipality the option to authorize its police officers, while on duty and as part of an ongoing criminal investigation being conducted respecting a crime committed in that municipality, to make warrantless arrests while outside the municipality in which they are appointed to the extent that those arrests would be authorized by the Maine Revised Statutes, Title 17-A, section 15 and when notice is given to the municipality in which the arrest is to be made.

The amendment also clarifies that municipal police officers who are acting in the scope of duty, including acting outside their appointed jurisdictions if authorized by their municipalities, are treated the same for purposes of immunity, pension, workers' compensation, insurance and any other benefits as if they were acting in their own jurisdictions.

SENATE AMENDMENT "A" (S-487) TO COMMITTEE AMENDMENT "A" extends the authority granted to municipal officers with respect to optional powers for municipal police officers to county commissioners with respect to optional powers for sheriffs and certain deputy sheriffs.

LD 1393 An Act to Assist in Crime Prevention

PUBLIC 674

SPONSOR(S)
DONNELLY

COMMITTEE REPORT
ONTP MAJ
OTP-AM MIN

AMENDMENTS ADOPTED
H-855

SUMMARY

This bill requires that the Secretary of State revoke a person's license, permit or right to operate a motor vehicle for a period of no more than 5 years when that person is convicted of a drug-related crime and a motor vehicle was used in the commission of the crime. This bill was carried over from the First Regular Session.

COMMITTEE AMENDMENT "A" (H-855) replaces the original bill and is the minority report of the committee.

The amendment gives the court discretion to suspend a person's driver's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license, in addition to any other applicable

penalties, if the person uses a motor vehicle to facilitate the trafficking or furnishing of a scheduled drug. The court may also suspend the same privileges when a motor vehicle was used to furnish or traffic a counterfeit drug or when a person used a motor vehicle to facilitate aggravated trafficking or furnishing.

The suspension of a person's driver's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license may not begin until after any period of incarceration is served and may not exceed 5 years.

If the court suspends a person's driver's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license, the court shall notify the Secretary of State of the suspension and the court shall take physical custody of the person's license. The Secretary of State may not reinstate the person's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license unless the person demonstrates that, after having been released and discharged from any period of incarceration that may have been ordered, the person has served the period of suspension ordered by the court.

The amendment adds a fiscal note to the bill and also conforms existing law to current drafting standards.

SENATE AMENDMENT "A" (S-561) TO COMMITTEE AMENDMENT "A" would have changed current law by requiring either the chief law enforcement officer of a municipality or, if there were no chief law enforcement officer, the Chief of the State Police to conduct the background investigation of an applicant for a concealed firearms permit. If the investigating officer determined that the applicant had met all the necessary criteria, then the issuing authority would have had to issue the permit to the applicant.

LD 1453 An Act to Make Changes in the Manufactured Housing Laws

**PUBLIC 642
EMERGENCY**

SPONSOR(S)
BUSTIN

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-992 DAGGETT
S-530

SUMMARY

Generally, this bill increases the advocacy role of the Manufactured Housing Board, makes a number of changes in the roles and responsibilities of the board and moves the board to the Department of the Attorney General. The bill also:

1. Modifies the composition of the board, expanding the number of consumer members and requiring legislative confirmation for all members. The bill also creates the Manufactured Housing Recovery Fund to provide assistance to persons living in substandard manufactured housing and it describes the complaint process;
2. Changes the law so that enforcement authority rests with the board itself and not with the board's employees;
3. Specifies the kind of uniform standards the board must establish, including standards for installation;
4. Requires installers to provide one-year warranties and to meet state installation standards;
5. Adds a requirement that the installer, who already notifies the State when a unit is installed, include notification of the type of home installed and indicate that installation standards have been met;