MAINE STATE LEGISLATURE

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STATE OF MAINE
117TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
CRIMINAL JUSTICE

AUGUST 1995

MEMBERS:
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Sen. Stephen E. Hall
Sen. John J. O'Dea

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Rep. Walter R. Gooley
Rep. Michael J. McAlevey
Rep. Judith B. Peavey
Rep. G. Paul Waterhouse

*Denotes Chair

Staff:
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ONE HUNDRED AND SEVENTEENTH LEGISLATURE
FIRST REGULAR SESSION

SUMMARY OF LEGISLATION BEFORE
THE JOINT STANDING COMMITTEES

AUGUST 1995

This document is a compilation of the bill summaries prepared by this office for the Joint Standing 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 publication, History and Final Disposition of Legislative Documents, is helpful in determining to which committee any particular bill was referred.

In this document, 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 categories of final action are abbreviated as follows:

CARRIED OVER	*Bill carried over to Second 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 ON ADJOURNMENT	*Action incomplete when session ended; bill died*
EMERGENCY	*Enacted law takes effect sooner than 90 days*
FAILED EMERGENCY ENACTMENT	*Emergency bill failed to get 2/3 vote*
FAILED ENACTMENT	*Bill failed to get majority vote*
FAILED MANDATE ENACTMENT	*Bill imposing local mandate failed to get 2/3 vote*
INDEF PP	*Bill Indefinitely Postponed*
ONTP	*Ought Not to Pass report accepted*
P&S XXX	*Chapter # of enacted Private & Special Law*
PUBLIC XXX	*Chapter # of enacted Public Law*
RESOLVE XXX	*Chapter # of enacted Resolve*
UNSIGNED	*Not signed by Governor within 10 days*
VETO SUSTAINED	*Legislature failed to override Governor's Veto*

These summaries were prepared by the analyst or analysts assigned to the committee. If more detailed information is needed on a bill, contact the committee analyst.

5581LHS

An Act to Decrease to Zero the Allowable Blood-alcohol Level of a Person Holding a Juvenile Provisional License

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
MCALEVEY	OTP-AM	H-22
LORD		

SUMMARY

This bill makes it unlawful for a person under 21 years of age to operate a motor vehicle while having any alcohol in the blood.

COMMITTEE AMENDMENT "A" (H-22) replaces the bill and clarifies that a person holding a juvenile provisional license may not drive a motor vehicle if there is any amount of alcohol in that person's blood. The amendment also adds a fiscal note.

LD 64   **An Act to Amend the Laws Governing Indecency**   ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
LAWRENCE	ONTP	
LEMONT		

SUMMARY

This bill would have changed the crime of public indecency to indecent conduct. The bill specifically would have prohibited exposure of the genitals by an adult to a child and exposure of the genitals by a child to an adult when such exposure was caused by the adult for the purpose of arousing or gratifying sexual desire or for the purpose of causing affront or alarm.

Concepts from this bill were incorporated into COMMITTEE AMENDMENT "A" (H-95) to LD 179, "An Act to Prohibit Visual Sexual Aggression Against a Child and Private Indecency."

LD 76   **An Act to Establish a Shock Incarceration Program**   ONTP

SPONSOR(S)	COMMITTEE REPORT		AMENDMENTS ADOPTED
HANLEY	ONTP	MAJ	
	OTP-AM	MIN	

SUMMARY

This bill would have established the Shock Incarceration Program as a new sentencing alternative. A person sentenced to the program would have had to complete the incarceration portion of the sentence in a facility providing intensive regimentation and discipline patterned after military basic training. To be eligible for shock incarceration, the person would have had to have been between 17 and 25 years of age, could not have spent time in a correctional facility, would have had to have been physically and mentally able to participate in the program and could not have committed murder, gross sexual assault or any offense involving violence. The Department of Corrections and the court would have had to agree that a person was eligible for sentencing to the Shock Incarceration Program. The maximum sentence of incarceration in a shock incarceration facility would have been 120 days. The bill also would have required the Commissioner of Corrections to designate institutions as shock incarceration facilities and to adopt rules for the Shock Incarceration Program.

COMMITTEE AMENDMENT "A" (S-64) would have replaced the bill and was the minority report.

The amendment was a resolve directing the Commissioner of Corrections, with the help of all interested parties, to develop a shock incarceration program for nonviolent offenders between the ages of 18 and