

# 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

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*\*Denotes Chair*



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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:

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

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.

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in the same household as the actor. The "same household" limitation is treated as a defense to a prosecution under the new crime.

**LD 197**      **An Act to Allow the Suspension of Driving Privileges of Persons Bringing Firearms on Public School Property**      ONTP

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
LEMAIRE	ONTP	

**SUMMARY**

This bill would have created a sentencing option for the courts in cases where a person was found guilty of possessing a firearm on public school property. The court would have been able to suspend a violator's driver's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license for a period not to exceed one year. The penalty could have been applied to violators who are adults or minors. The license suspension would not have been effective until after any period of confinement, if applicable, was served.

**LD 200**      **An Act to Allow the Imposition of Any Term of Years or Life for Certain Attempted Murders**      PUBLIC 422

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
OTT LAWRENCE	OTP-AM ONTP	MAJ MIN H-184

**SUMMARY**

This bill allows the court to impose a sentence of imprisonment up to a life sentence for any crime committed from which death or serious bodily injury results. The court must specify the length of the sentence to be served.

COMMITTEE AMENDMENT "A" (H-184) replaces the original bill. The amendment removes the current 40-year ceiling on the length of a term of imprisonment a court may set for the crime of attempted murder, allowing, but not requiring, a court to set a definite term of imprisonment in any amount, some or all of which may be suspended with probation, or for life unless the attempted murder is committed under circumstances that, if death had resulted, would make an intentional killing punishable as a Class A crime of manslaughter because the actor is under the influence of extreme anger or fear brought about by adequate provocation. This amendment further limits the availability of life imprisonment to cases involving aggravating circumstances similar to those that permit, but do not require, the imposition of a life sentence for murder. For purposes of this bill, the Legislature accepts the meaning of "premeditation-in-fact" as defined in State v. Shortsleeves, 580 A.2d 145, 149-150 (Me. 1990).

This amendment is the majority report and adds a fiscal note.

**LD 248**      **An Act to Amend the Law Regarding the Administrative Suspension of a Driver's License for Operating under the Influence**      ONTP

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
THOMPSON	OTP-AM ONTP	MAJ MIN

**SUMMARY**

This bill would have authorized the Secretary of State to continue a stay of suspension of a petitioner's