

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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**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:

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

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
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 PUBLIC 422
for Certain Attempted Murders

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
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 ONTP
Suspension of a Driver's License for
Operating under the Influence

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
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

driver's license if the petitioner's attorney were unable to attend a hearing on administrative suspension due to circumstances beyond the attorney's control.

COMMITTEE AMENDMENT "A" (H-20) was the majority report and would have added a fiscal note to the bill.

LD 259 An Act to Change from 2% to 5% the Percentage of the ONTP
Amount Paid to County Jails from the Government Operations
Surcharge Fund

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
BUNKER	ONTP	

SUMMARY

This bill would have increased the percentage from 2% to 5% of the amount paid to county jails from the Government Operations Surcharge Fund.

Concepts from this bill were incorporated into LD 110, "An Act to Increase the County Share and Change the Name of the Government Operations Surcharge Fund." LD 110 was later indefinitely postponed.

LD 278 An Act to Require That a Person Convicted of More Than One ONTP
Crime Serve Each Sentence Consecutively

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
OTT HANLEY	ONTP	

SUMMARY

This bill would have amended the Maine Criminal Code to require the court, when imposing multiple terms of imprisonment for multiple crimes, to sentence the defendant to serve the terms consecutively, rather than concurrently, in almost all cases.

LD 368 An Act to Establish a Presumption That the Owner of a ONTP
Motor Vehicle Is the Driver If That Vehicle Is Involved in
a High-speed Chase

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

SUMMARY

Current law classifies the act of eluding a law enforcement officer that results in a high-speed chase as a Class C crime. This bill would have held both the owner and the operator of the vehicle liable for damages resulting from the high-speed chase. The owner of a vehicle involved in a high-speed chase would have been guilty of committing a traffic infraction, although specific defenses would have applied. The owner could not have been adjudicated as having committed the traffic infraction if:

1. A person other than the owner was convicted of eluding an officer and engaging in the high-speed chase;
2. The owner was a lessor of the vehicle and the vehicle was in the possession of a lessee;
3. The vehicle was operated using a dealer or transporter registration plate and the operator was someone other than the dealer or transporter; or