

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.

5581LHS

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 Amount Paid to County Jails from the Government Operations Surcharge Fund ONTP

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 Crime Serve Each Sentence Consecutively ONTP

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 Motor Vehicle Is the Driver If That Vehicle Is Involved in a High-speed Chase ONTP

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

4. The vehicle was reported stolen before or soon after the incident.

COMMITTEE AMENDMENT "A" (H-62) was the majority report when the bill was initially reported out of committee.

This amendment would have deleted references to civil liability contained in the bill and would have limited the defense to the violation regarding a reported stolen vehicle by requiring that a law enforcement officer or agency had probable cause to believe that the theft actually occurred.

The amendment also would have clarified the title of the bill and would have added an effective date of January 1, 1996 in order to avoid costs associated with reprinting or otherwise notifying law enforcement officers of changes to the District Court Violations Bureau Schedule of Amounts Due.

The amendment also would have added a fiscal note to the bill.

The House and Senate recommitted the bill to Committee, and the Committee revoted, with a majority voting ONTP.

COMMITTEE AMENDMENT "B" (H-223) would have made exactly the same changes as Committee Amendment "A," except it became the minority report after the bill was recommitted to committee.

**LD 369 An Act to Require a Person to Serve the Complete Sentence
 That Was Issued** ONTP

SPONSOR(S)
OTT

COMMITTEE REPORT
ONTP

AMENDMENTS ADOPTED

SUMMARY

This bill would have eliminated "good time" or other credits that reduce the sentences of persons convicted of crimes that are committed on or after October 1, 1995.

Concepts from this bill were incorporated into COMMITTEE AMENDMENT "A" (S-204) which replaced LD 544, "An Act to Reduce the Amount of Good Time and Meritorious Good Time Available to Persons Sentenced to Terms of Imprisonment."

**LD 409 An Act to Continue Requiring Probable Cause before the
 Exercise of Protective Custody** PUBLIC 62

SPONSOR(S)
FITZPATRICK

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-84

SUMMARY

This bill repeals current language in order to continue requiring a law enforcement officer to have probable cause to take a person into protective custody. Under current law, this provision would have been repealed October 1, 1995 and replaced by language allowing protective custody based upon the officer's personal observation. This bill also continues to require that judicial review of admission to a hospital for protective custody be obtained as soon as possible, between 7:00 a.m. and 11:00 p.m.

COMMITTEE AMENDMENT "A" (H-84) extends the sunset of the requirement of the judicial endorsement, based on a law enforcement officer finding probable cause, of admission to a hospital for protective custody to October 1, 1997. This change allows the Department of Mental Health and Mental Retardation and other interested groups to review and compile data regarding the requirement that law enforcement officers need