

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

**LD 491 An Act to Create a Board to Hear Citizen Complaints
Regarding Private Investigators**

ONTP

| SPONSOR(S) | COMMITTEE REPORT | | AMENDMENTS ADOPTED |
|-------------------|-------------------------|-----|---------------------------|
| O'DEA | ONTP | MAJ | |
| | OTP | MIN | |

SUMMARY

This bill would have established the Private Investigators Complaint Review Board to hear and investigate complaints made against private investigators. After an investigation and a hearing on a complaint, the board would have had to make recommendations to the Commissioner of Public Safety as to the appropriate action that should have been taken. The board would have had to recommend that a license not be issued or renewed or that a license be suspended or revoked.

COMMITTEE AMENDMENT "A" (S-37) was the minority report and would have added a fiscal note to the bill.

LD 530 An Act to Allow the Defense of Ignorance of the Law

ONTP

| SPONSOR(S) | COMMITTEE REPORT | AMENDMENTS ADOPTED |
|-------------------|-------------------------|---------------------------|
| AULT | ONTP | |

SUMMARY

The purpose of this bill was to eliminate the legal theory that "ignorance of the law is no defense." It would have allowed the defendant an affirmative defense if the defendant could prove that the law violated was not known to the defendant. The bill would have deleted the additional requirement that the law violated was not published or otherwise made available. In addition, ignorance or mistake of fact would not have been a defense only when the law stated that, as an element of the crime, that fact would have had to "in fact" exist.

**LD 542 An Act to Include the Law Court's Imprisonment Sentencing
Procedure in the Maine Criminal Code**

PUBLIC 69

| SPONSOR(S) | COMMITTEE REPORT | AMENDMENTS ADOPTED |
|-------------------|-------------------------|---------------------------|
| | OTP-AM | S-56 |

SUMMARY

This bill enacts into positive law the Law Court's 3-step sentencing procedure for felonies, established in State v. Hewey, 622 A.2d 1151, 1154-55 (Me. 1993), when imposing a sentence alternative involving a term of imprisonment. See also State v. Roberts, 641 A.2d 177, 179 (Me. 1994). The Maine Revised Statutes, Title 17-A, section 253, subsection 6 reflects a current statutory recognition of this critical process.

COMMITTEE AMENDMENT "A" (S-56) strikes language regarding the place of imprisonment or commitment, as it is not part of the 3-step sentencing procedure and is only misleading.