

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

**An Act to Limit a Citizen's Right to Threaten the Use of
Deadly Force against a Law Enforcement Officer Engaged in
Carrying out Public Duty Except When Justified in Using
Deadly Force**

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

SUMMARY

This bill would have barred a private citizen, who otherwise would have the legal right to do so, from threatening the use of deadly force against a person the private citizen knew or should have known was a law enforcement officer unless the private citizen knew that that law enforcement officer was not at that time engaged in the performance of the law enforcement officer's official duties or unless the private citizen was justified under the Maine Revised Statutes, Title 17-A, chapter 5 in actually using deadly force against that officer. Although broader in scope, this bill was nonetheless intended to overrule the result in State v. Clisham, 614 A.2d 1297 (Me. 1992) that allows a private citizen to threaten a law enforcement officer, acting under color of authority, with death or serious bodily injury under circumstances in which the private citizen is legally justified in using only nondeadly force. In State v. Clisham the Law Court equated threatening deadly force with the actual use of nondeadly force. Id. at 1298. See also State v. Lord, 617 A.2d 536 (Me. 1992). This legal parallel drawn by the Law Court when a law enforcement officer is involved is rejected because of the substantial and unwarranted risk of death or serious bodily injury posed to the private citizen and law enforcement officer alike.

**LD 544 An Act to Reduce the Amount of Good Time and Meritorious
Good Time Available to Persons Sentenced to Terms of
Imprisonment**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
	OTP-AM	S-204
		S-212 HALL

SUMMARY

This bill, in critical part, reduces the amount of good time and meritorious good time currently available under the Maine Criminal Code. The changes apply only to persons committing crimes on or after October 1, 1995 to avoid creating an ex post facto law.

Regarding good time, the bill makes 2 changes. First, it requires that good time be calculated on an as-earned basis rather than on an up-front basis. Second, it reduces the maximum number of days available to be earned each month to 2 days.

Regarding meritorious good time, the bill makes 2 changes. First, it reduces the maximum number of days available to be earned each month by a person imprisoned and in the custody of the Department of Corrections to 2 days. Second, it eliminates the availability of meritorious good time entirely for persons imprisoned and in the custody of a sheriff. As to the latter category of prisoners, however, the authorized deduction under the Maine Revised Statutes, Title 30-A, section 1606 remains available.

This bill repeals and replaces Title 17-A, section 1252-B to make clear that courts are expected to adjust terms of imprisonment imposed downward.

COMMITTEE AMENDMENT "A" (S-204) replaces the bill. This amendment makes fundamental policy changes relative to the current deductions for good time and meritorious good time under the Maine Revised Statutes, Title 17-A, section 1253. These fundamental changes apply only to persons committing crimes on or after October 1, 1995 to avoid creating an ex post facto law.