

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

SPONSOR(S)**COMMITTEE REPORT****AMENDMENTS ADOPTED**

OTP

SUMMARY

This bill was submitted by the Criminal Law Advisory Commission. Public Law 1993, chapter 293 repealed the Maine Revised Statutes, Title 11, Article 3 of the Uniform Commercial Code and enacted Article 3-A in its place. The references to Article 3 currently identified in the Maine Revised Statutes, Title 17-A, section 708, subsection 2 are no longer accurate. This bill corrects these references to reflect current law under Title 11, Parts 1 and 2. However, the new provisions do not simply mirror the language of the old provisions they replace and are not all technical. These changes are necessary because they reflect the current rules of commercial practice under the Uniform Commercial Code. The definitions for "drawee" and "drawer" have been added. Neither were defined terms in former Article 3. In addition, the term "presentment" is substituted for "presentation" to be consistent with the Uniform Commercial Code.

An Act to Give the State a Right to Appeal from the Denial of a Rule 35 Motion**SPONSOR(S)****COMMITTEE REPORT****AMENDMENTS ADOPTED**

OTP-AM

S-38

SUMMARY

This bill was submitted by the Criminal Law Advisory Commission. Under current state criminal procedure, the State is accorded the right to bring, on its own, a motion to correct an illegal sentence or a sentence imposed in an illegal manner, or to seek reduction of a sentence on the ground that the original sentence was influenced by a mistake of fact that existed at the time of the sentencing.

No statutory authority exists under current state law to allow the State to appeal in the event its motion for correction or reduction of a sentence is denied. This bill creates that needed statutory authority.

COMMITTEE AMENDMENT "A" (S-38) adds a fiscal note to the bill.

An Act to Allow Charitable Solicitation by Law Enforcement Officers, Agencies and Associations**SPONSOR(S)****COMMITTEE REPORT****AMENDMENTS ADOPTED**

BAILEY

SUMMARY

This bill would remove the existing ban prohibiting law enforcement officers, agencies or associations from soliciting property from the general public if that property in any way tangibly benefits or intends to tangibly benefit any law enforcement officer, law enforcement agency or law enforcement association.