

# 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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Rep. G. Paul Waterhouse*

*\*Denotes Chair*



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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 &amp; 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&amp;S XXX</i>	<i>Chapter # of enacted Private &amp; 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 801

**An Act to Clarify the Licensing Authority of the Board of Trustees of the Maine Criminal Justice Academy**

PUBLIC 131

**SPONSOR(S)**

CLUKEY

**COMMITTEE REPORT**

OTP MAJ  
ONTP MIN

**AMENDMENTS ADOPTED**

**SUMMARY**

This bill amends the general licensing board statute in the Maine Revised Statutes, Title 5 by adding the Board of Trustees of the Maine Criminal Justice Academy to the list of licensing boards that may consider convictions for misdemeanors involving sexual misconduct in connection with an application for certification by a law enforcement or corrections officer.

The bill allows the Board of Trustees to consider that type of conviction if it occurred within 10 years prior to the application for certification.

The bill amends the present law that requires municipalities and counties to report law enforcement officers who resign or are dismissed as a result of a conviction for crime to the Director of the Maine Criminal Justice Academy. The bill requires the chief administrative officer of an employing agency to report a conviction or conduct that could result in suspension or revocation of a law enforcement or corrections officer's certificate. The requirement that the director keep a list of law enforcement officers convicted of crimes is removed because that information is available through the State Bureau of Identification.

**LD 802**

**An Act to Amend the General Sentencing Provisions**

PUBLIC 149

**SPONSOR(S)**

KONTOS  
SAXL M

**COMMITTEE REPORT**

OTP-AM

**AMENDMENTS ADOPTED**

H-204

**SUMMARY**

The purpose of this bill is to enhance the sentencing classes concerning criminal penalties for hate crimes. The legislation is modeled after the Wisconsin law upheld by the United States Supreme Court in Wisconsin v. Mitchell, 113 S.Ct. 2194 (1993).

COMMITTEE AMENDMENT "A" (H-204) replaces the original bill. The amendment emphasizes that courts may take into consideration, as a factor leading to enhancement of sentences, that a crime was motivated by the minority status of the victim. This amendment does not affect the authority of courts to rely on other factors in deciding upon appropriate sentences. Instead, this amendment only emphasizes the importance of the factor of selecting victims because of their membership in a minority.

LD 812

**An Act to Amend the Laws Specifying the Place of Imprisonment**

PUBLIC 425

**SPONSOR(S)**

WHEELER  
FERGUSON

**COMMITTEE REPORT**

OTP-AM

**AMENDMENTS ADOPTED**

H-233

**SUMMARY**

This bill repeals the law that increases the cutoff for terms of incarceration to county jails to 12 months, thus restoring the old cutoff for terms of incarceration to county jails to 9 months or less.