

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 Increase the Penalties for Certain Crimes Involving Alcohol and Illegal Drugs

CARRIED OVER

SPONSOR(S)

O'DEA

COMMITTEE REPORT**AMENDMENTS ADOPTED****SUMMARY**

This bill would do the following:

1. Increase the classification of crimes of hunting while under the influence of alcohol or drugs and operating watercraft, snowmobiles, and ATVs while under the influence of alcohol or drugs from Class E to Class D crimes;
2. Allow chemical testing for alcohol and drugs by blood, breath or urine;
3. Decrease the allowable blood alcohol level for a person hunting from 0.08% to 0.0%;
4. Require mandatory reporting by certain medical professionals of persons they believe to have been hunting or operating watercraft, snowmobiles or ATVs while under the influence of alcohol or drugs; and
5. Add a surcharge to every fine or penalty imposed by any court in the State. The surcharge is considered part of the fine or penalty and all surcharge funds collected as a result of a game warden's or marine patrol officer's authorization for a chemical test accrue to the department of Inland Fisheries and Wildlife and the Department of Marine Resources, respectively.

The Criminal Justice Committee worked this bill, but ultimately decided to rerefer the bill to the Inland Fisheries and Wildlife Committee. The bill has been carried over into the 2nd Regular Session.

LD 907**An Act to Extend the Time Period for a District Attorney to File a Petition in Order to Allow Time for Juveniles to Fulfill All Conditions of Informal Adjustment**

PUBLIC 133

SPONSOR(S)

AMERO

COMMITTEE REPORT

OTP

AMENDMENTS ADOPTED**SUMMARY**

The purpose of this bill is to extend the time available for a juvenile to fulfill conditions of informal adjustment, thus allowing the juvenile to avoid formal prosecution for a matter that may be handled more appropriately through informal adjustment. This bill extends from 6 to 9 months the time period for a district attorney to file a petition against a juvenile in order to allow time for that juvenile to fulfill all conditions of informal adjustment.

LD 913**An Act to Repeal the Sunset Provision Regarding Drug Recognition Technicians and Amend the Definition of Drugs in the Operating-under-the-influence Statutes**PUBLIC 145
EMERGENCY**SPONSOR(S)**

PENDEXTER

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

S-84

SUMMARY

Drug recognition technicians are law enforcement officers specifically trained to assess whether a person was under the influence of a drug other than alcohol when the person operated or attempted to operate a