

# 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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*\*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 904 An Act to Increase the Penalties for Certain Crimes Involving Alcohol and Illegal Drugs**

CARRIED OVER

**SPONSOR(S)** COMMITTEE REPORT AMENDMENTS ADOPTED  
O'DEA

**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)** COMMITTEE REPORT AMENDMENTS ADOPTED  
AMERO OTP

**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)** COMMITTEE REPORT AMENDMENTS ADOPTED  
PENDEXTER OTP-AM 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

motor vehicle. The drug recognition technicians' statutory authority expires June 1, 1995 unless the sunset requirement is repealed. This bill repeals the sunset.

The bill also changes the definition of "drugs" to include any chemical substance that can impair the ability of a person to safely operate a motor vehicle.

COMMITTEE AMENDMENT "A" (S-84) adds a fiscal note to the bill.

**LD 915      An Act to Increase the Authorized Penalties for Multiple OUI Offenders      ONTP**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
MILLS	ONTP	

**SUMMARY**

This bill would have lowered the allowable blood-alcohol level from 0.08% to 0.07% for OUI offenders and would have increased the authorized penalties for multiple OUI offenders.

Concepts from this bill were incorporated into Committee Amendment "A" which replaced LD 1167, "An Act to Amend the Operating-under-the-influence Laws."

**LD 923      An Act Authorizing Work-restricted Drivers' Licenses for Certain Habitual Motor Vehicle Law Offenders      ONTP**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
MARTIN	ONTP      MAJ OTP-AM      MIN	

**SUMMARY**

This bill would have allowed a person whose license had been revoked for a 2nd time under the habitual offender statutes to be eligible for a work-restricted license as long as the new offense was not operating under the influence.

COMMITTEE AMENDMENT "A" (H-203) was the minority report and would have replaced the bill. This amendment would have allowed a person whose license had been revoked pursuant to the continuing liability provisions of the habitual offender law to petition the Secretary of State for a work-restricted license if the new offense was an operating after suspension conviction and the only reason for the suspension was failure to appear in court to pay a fine or reinstatement fee or to produce evidence of insurance or proof of financial responsibility.

The amendment also would have added a fiscal note.

**LD 956      An Act Concerning the Protection of Privacy Data Regarding Sex Offenders      ONTP**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
LEMKE	ONTP	

**SUMMARY**

This bill would have required the State Bureau of Identification to notify the law enforcement agency of a municipality when a sex offender registers an address in that municipality. If the sex offender had been convicted more than once of gross sexual assault upon a victim who had not attained the age of 16