

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:

| | |
|-----------------------------------|---|
| CARRIED OVER | <i>Bill carried over to Second Session</i> |
| CON RES XXX | <i>Chapter # of Constitutional Resolution passed by both Houses</i> |
| CONF CMTE UNABLE TO AGREE | <i>Committee of Conference unable to agree; bill died</i> |
| DIED BETWEEN BODIES | <i>House & Senate disagree; bill died</i> |
| DIED ON ADJOURNMENT | <i>Action incomplete when session ended; bill died</i> |
| EMERGENCY | <i>Enacted law takes effect sooner than 90 days</i> |
| FAILED EMERGENCY ENACTMENT | <i>Emergency bill failed to get 2/3 vote</i> |
| FAILED ENACTMENT | <i>Bill failed to get majority vote</i> |
| FAILED MANDATE ENACTMENT | <i>Bill imposing local mandate failed to get 2/3 vote</i> |
| INDEF PP | <i>Bill Indefinitely Postponed</i> |
| ONTP | <i>Ought Not to Pass report accepted</i> |
| P&S XXX | <i>Chapter # of enacted Private & Special Law</i> |
| PUBLIC XXX | <i>Chapter # of enacted Public Law</i> |
| RESOLVE XXX | <i>Chapter # of enacted Resolve</i> |
| UNSIGNED | <i>Not signed by Governor within 10 days</i> |
| VETO SUSTAINED | <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

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

| SPONSOR(S) | COMMITTEE REPORT | AMENDMENTS ADOPTED |
|-------------------|-------------------------|---------------------------|
| 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

| SPONSOR(S) | COMMITTEE REPORT | AMENDMENTS ADOPTED |
|-------------------|----------------------------------|---------------------------|
| 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

| SPONSOR(S) | COMMITTEE REPORT | AMENDMENTS ADOPTED |
|-------------------|-------------------------|---------------------------|
| 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

years at the time of the gross sexual assault, the law enforcement agency for the municipality would have had to provide notification of the registration to persons residing in the community where the sex offender intended to reside. The issue of public notification of sex offenders released from jail has been carried over into the 2nd Regular Session. LD 1510, "An Act to Make Comprehensive Changes to Sex Offender Laws" will be used to incorporate all potential changes.

LD 982 An Act to Clarify Juvenile Detention

PUBLIC 155

| SPONSOR(S) | COMMITTEE REPORT | AMENDMENTS ADOPTED |
|-------------------|-------------------------|-----------------------------|
| BEGLEY | OTP-AM | S-114 S-129 CARPENTER |

SUMMARY

This bill provides that juveniles may be detained in a separate juvenile section of a county jail approved by the federal Office of Juvenile Justice and Delinquency Prevention until such time as the Northern Maine Regional Juvenile Detention Facility becomes operational. The bill also removes a separate provision allowing Penobscot County Jail to house juveniles as the effect of this bill makes that authority unnecessary.

COMMITTEE AMENDMENT "A" (S-114) adds a fiscal note to the bill.

SENATE AMENDMENT "A" (S-129) to the bill was presented on behalf of the Committee on Bills in Second Reading to correct a technical error. The amendment corrects an error where current law was shown without incorporating changes made by Public Law 1993, chapter 162, section 1.

**LD 1006 An Act to Amend the Law to Provide for the Notification
of Immediate Family Members of Homicide Victims**

PUBLIC 164

| SPONSOR(S) | COMMITTEE REPORT | AMENDMENTS ADOPTED |
|-------------------|-------------------------|---------------------------|
| PEAVEY | OTP-AM | H-222 |

SUMMARY

This bill defines certain family members of a victim of a homicide as "victims" who may be notified of the release of a sentenced person.

COMMITTEE AMENDMENT "A" (H-222) replaces the bill and allows homicide victims' parents, children, siblings and spouses to be notified of a perpetrator's release from institutional confinement, including parole, furloughs, work-release programs, intensive supervision and supervised community confinement.

**LD 1007 An Act to Increase the Penalty for Violating the Laws
Governing Passing Another Vehicle**

ONTP

| SPONSOR(S) | COMMITTEE REPORT | AMENDMENTS ADOPTED |
|-------------------|-------------------------|---------------------------|
| DAMREN | ONTP | |

SUMMARY

This bill would have changed the penalty for improper passing of a motor vehicle from a traffic infraction to a Class D crime.