

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE
117TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
CRIMINAL JUSTICE

AUGUST 1995

Staff:

Marion Hylan Barr, Legislative Analyst

*Office of Policy and Legal Analysis
Room 101/107/135, 13 State House Station
Augusta, ME 04333
(207)287-1670*

MEMBERS:

**Sen. John W. Benoit
Sen. Stephen E. Hall
Sen. John J. O'Dea*

**Rep. Herbert E. Clark
Rep. Birger T. Johnson
Rep. George H. Bunker, Jr.
Rep. Richard H. Thompson
Rep. Edgar M. Wheeler
Rep. Dean F. Clukey
Rep. Walter R. Gooley
Rep. Michael J. McAlevey
Rep. Judith B. Peavey
Rep. G. Paul Waterhouse*

**Denotes Chair*



**Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS**

State House Station 13, Augusta, Maine 04333
Telephone (207) 287-1670
Telecopier (207) 287-1275

**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)
BUSTIN

COMMITTEE REPORT
OTP

AMENDMENTS ADOPTED

SUMMARY

This bill reflects the original intent of the Legislature that the State become responsible for physically restrictive juvenile detention when the Northern Maine Regional Juvenile Detention Facility begins operation. Its purpose is to make it explicit that when a court has determined that a juvenile is to be detained as an adult, the detention will, as it is now, remain the responsibility of the counties.

LD 1066 An Act Authorizing the Immediate Suspension of a Driver's License upon Arrest for a Repeat OUI Offense

ONTP

SPONSOR(S)
HATHAWAY

COMMITTEE REPORT
ONTP

AMENDMENTS ADOPTED

SUMMARY

The purpose of this bill was to provide maximum safety for all persons who travel on or otherwise use the public ways by removing immediately from public ways those persons who have shown themselves to be an extreme safety hazard by committing a 2nd or subsequent operating-under-the-influence offense, while ensuring that a person whose license was automatically suspended pursuant to this bill was afforded due process of law.

LD 1072 An Act to Provide a Specific Formula to Determine Restitution of Economic Loss

ONTP

SPONSOR(S)
MARSHALL

COMMITTEE REPORT
ONTP

AMENDMENTS ADOPTED

SUMMARY

This bill would have provided a specific formula to determine the economic loss of a victim and would have required the court to order restitution based upon that formula. This bill would have removed the discretion of the court to consider the financial hardship on the offender or dependent of the offender.

If the offender were a minor, the parents would have been required to pay the restitution.

This bill also would have required the court to suspend the entire sentence of incarceration of an offender of a nonviolent crime if the offender paid restitution.

LD 1087 An Act Concerning Concealed Firearms Permits

ONTP

SPONSOR(S)
PENDEXTER

COMMITTEE REPORT
ONTP

AMENDMENTS ADOPTED

SUMMARY

This bill would have changed the current law by requiring either the chief law enforcement officer of a municipality or, if there is no chief law enforcement officer, the Chief of the State Police to investigate an applicant for a concealed firearms permit. If the investigating officer determined that the applicant met all the necessary criteria, the issuing authority would have then had to issue the permit to the applicant.