

# 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

**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.

The Department of Public Safety and the National Rifle Association have been asked to look at the issues in this bill and in LD 1023, "An Act to Waive the Requirement for Background Checks of Those in Current Possession of a Permit to Carry Concealed Weapons," and to draft compromise legislation for the Committee.

**LD 1113      An Act to Make Possession of Armor-piercing Bullets a Class C Crime      ONTP**

**SPONSOR(S)**  
BAILEY

**COMMITTEE REPORT**  
ONTP

**AMENDMENTS ADOPTED**

**SUMMARY**

This bill would have made possession of carbon-based plastic ammunition commonly known as "Rhino-Ammo" or "Black Rhino" ammunition a Class C crime.

**LD 1120      An Act to Restore State Funding for State Expenses at County Jails      PUBLIC 449**

**SPONSOR(S)**  
WHITCOMB

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
H-287  
S-395    HANLEY

**SUMMARY**

Currently, the courts are required to specify the county jail as the place of incarceration for persons convicted of Class D and E crimes and for other classes of crime for which the sentence is 12 months or less. The Department of Corrections is required to reimburse the jails for those prisoners except that in fiscal years 1991-92, 1992-93, 1993-94 and 1994-95 the obligation for this reimbursement may not exceed the amount appropriated for that purpose. It is required that 30% of the reimbursed funds claimed be used by the county for community corrections programs.

This bill does the following.

1. It prohibits the courts from specifying a jail if the county indicates that the Department of Corrections has not reimbursed it for past costs.
2. It repeals the provision that prohibits reimbursement in excess of appropriations.
3. It provides that the percentage decrease of appropriations to county jail reimbursement from fiscal year 1990-91 to the current year may not be any greater than the decrease in the total appropriations to the Department of Corrections for that time period.
4. It forbids the Department of Corrections from making expenditures from any appropriations until the counties have been reimbursed for jail expenses.
5. It makes the requirement to reimburse the county for jailed prisoners a state mandate under the Constitution of Maine that requires that the State reimburse municipal and county governments for costs incurred to implement a state law.
6. It requires that the obligation to reimburse the county for jail expenses for which funds are not appropriated is to carry forward to subsequent years.
7. It changes the provision that requires that 30% of the funds claimed by the county be used for community corrections to a provision that 30% of the funds due the county be used for that purpose.