

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

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.

8. For years in which the Department of Corrections fails to completely reimburse the county for jailed prisoners it rescinds the requirement that the department is to withhold 30% of reimbursement pending demonstration that the funds will be used for community corrections.

COMMITTEE AMENDMENT "A" (H-287) replaces the bill. The amendment repeals the provision of law that limits the Department of Corrections' reimbursement of community corrections funds to the counties to the actual amount appropriated in fiscal years 1993-94 and 1994-95. This repeal takes effect July 1, 1997, so the department must budget the full cost of reimbursements to the counties into its budget beginning in that year. The amendment also adds a fiscal note.

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" (S-395) incorporates changes made to the Maine Revised Statutes, Title 34-A, section 1210, subsection 2 by Public Law 1995, chapter 368, Part K, section 3. This change limits the obligation of the Department of Corrections to reimburse counties to the actual amount appropriated during fiscal years 1993-94, 1995-96 and 1996-97.

LD 1127 An Act to Provide Funds to Reimburse the Counties for the ONTP
Cost of Housing Certain Prisoners

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
LOOK	ONTP	

SUMMARY

This bill would have required the Department of Corrections to identify the cost of reimbursement to the counties under the community corrections laws along with an impact statement detailing the local impact if funding were not included in the Governor's biennial budget recommendations. It also would have provided a General Fund appropriation to pay counties for the amounts not reimbursed during fiscal years 1991-92 through 1994-95, when the department's obligation was statutorily limited to the appropriated amount.

LD 1167 An Act to Amend the Operating-under-the-influence Laws INDEF PP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
GWADOSKY	OTP-AM	H-543

SUMMARY

This bill would have made it a mandatory condition of bail that a person arrested for operating under the influence could not be released until the person was no longer under the influence of alcohol or drugs or until a 3rd party who was not under the influence of alcohol or drugs agreed to take responsibility for that person.

The bill would have changed the time period used to calculate first and subsequent OUI offenses from 6 years to 10 years.

The bill would have changed the implied consent warnings and the classification of a refusal as a crime to ensure consistency in the various OUI laws.

The bill would have increased the penalties for offenders of the operating-under-the-influence laws and would have established the criminal penalties for persons who refused to submit to chemical tests to determine blood-alcohol and drug concentrations.

The bill would have enacted new provisions that increased the criminal penalties for persons who drove after their licenses had been suspended for operating under the influence.