

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 amendment would have increased the penalties for persons who refuse to submit to a test and for offenders of the operating-under-the-influence laws and would have established new provisions that increase the criminal penalties for persons who drive after their licenses had been suspended for operating under the influence.

The amendment would have allowed for the impoundment of a motor vehicle of a person arrested for OUI for at least 8 hours and until all towing and storage charges had been paid.

The amendment would have made actions on administrative license suspension taken by the Secretary of State consistent with the enhanced criminal penalty provisions of the bill relating to OUIs.

The amendment would have required the Secretary of State to revoke permanently the license of any person convicted of homicide using a vehicle if the person were under the influence of liquor or drugs at the time of the offense, granted the Secretary of State discretionary authority to relicense a person whose license had been permanently revoked 10 years after the person was no longer incarcerated and required the Secretary of State to revoke the license permanently if a person subsequently relicensed were convicted of another OUI offense.

The amendment would have subjected conditional and provisional license holders to administrative license suspension for operating a motor vehicle with any amount of alcohol in the blood.

The amendment would have granted the Secretary of State discretionary authority to reinstate the license of a repeat offender of operating under the influence prior to the expiration of the total period of license suspension if the offender installed an approved ignition interlock device in the motor vehicle the offender operated.

This amendment would have changed the implied consent law to require law enforcement officers to inform persons for whom the officers had probable cause to believe had operated a motor vehicle while under the influence of intoxicants that a refusal to comply with the duty to submit to a chemical test or tests would be considered an aggravating factor at sentencing and would subject the person to, in addition to other penalties, a mandatory minimum period of incarceration. This amendment was intended to comply with the requirements of the United States Court of Appeals for the First Circuit's decision in Alan D. Roberts v. State of Maine, No. 93-2392.

The amendment also would have added a fiscal note.

This bill and all its accompanying papers were indefinitely postponed, because House Amendment "A" (H-528) to LD 706, "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1996 and June 30, 1997," PL 1995, chapter 368, incorporated the entire Committee Amendment "A" (H-543) that replaced LD 1167.

LD 1173 **An Act to Amend the Maine Criminal Code Sentence
Alternative for Forfeiture of Firearms**

PUBLIC 252

SPONSOR(S)
BUNKER

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-286

SUMMARY

This bill requires the forfeiture of a firearm or firearms illegally owned, possessed or under a defendant's control. It is modelled after the sentence alternative currently found in the Maine Criminal Code.

COMMITTEE AMENDMENT "A" (H-286) replaces the bill. This amendment amends the Maine Revised Statutes, Title 17-A, section 1158 to clarify that the provision applies to the forfeiture of all firearms that constitute the basis for a conviction under Title 15, section 393, a Class C crime prohibiting ownership, possession and control of firearms by certain persons, including felons. It further amends Title 17-A, section 1158 to clarify that the provision applies to forfeiture of all firearms that constitute the basis for a conviction under Title 17-A, section 1105, subsection 1, paragraph C, a form of aggravated trafficking or furnishing, elevating the class of any violation of Title 17-A, section 1103, 1104 or 1106 when the person uses, carries, possesses or is armed with a firearm.

LD 1174 An Act Regarding the Bind-over Procedure of Juveniles ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
WHEELER	ONTP	

SUMMARY

This bill would have required the Juvenile Court to hold a bind-over hearing on all juveniles charged with murder or manslaughter, other than vehicular manslaughter, and on all juveniles previously twice adjudicated on felony offenses and charged with a 3rd felony. The Juvenile Court would have been able to bind over a juvenile meeting this criteria, after consideration of the nature of the offense, any previous record and the age and other relevant characteristics of the juvenile.

LD 1177 An Act to Enable the Department of Corrections to Share PUBLIC 216
Information with Canadian Criminal Justice Agencies

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
CLARK	OTP	

SUMMARY

This bill allows the State to share criminal history record information with Canadian officials.

LD 1188 An Act to Strengthen the Truancy Laws ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
MURPHY	ONTP	

SUMMARY

Current law requires that children between the ages of 7 and 17 attend some form of school, but contains no provision to enforce that requirement if the child refuses to attend school. This bill would have established as a juvenile crime the willful refusal by a child to attend school after being declared habitually truant under the Maine Revised Statutes, Title 20-A, section 5051.

LD 1198 An Act to Amend the Maine Bail Code to Penalize Defendants PUBLIC 456
Who Have Been Granted a Stay of Execution and Fail to Report

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
BENOIT	OTP-AM	S-125

SUMMARY

This bill establishes the crime of escape when a person who has been given a stay of execution fails to report at the specified time and facility.