

# 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:

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

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**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
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**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
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**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
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**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
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.

COMMITTEE AMENDMENT "A" (S-125) replaces the original bill. It amends the Maine Bail Code by criminalizing a defendant's failure to report to the defendant's ordered place of imprisonment after the defendant has been granted a stay of execution. The amendment is consistent with law that criminalizes a defendant's failure to appear. It also adds a fiscal note.

**LD 1199      An Act to Amend the Maine Criminal Code by      PUBLIC 109**  
**Correcting References to Committee Structure**

**SPONSOR(S)**                      **COMMITTEE REPORT**                      **AMENDMENTS ADOPTED**  
BENOIT                                      OTP

**SUMMARY**

This bill reflects recent changes in the committee structure of the Legislature. Instead of making reference to the Joint Standing Committee on Criminal Justice, generic language is used in an effort to avoid future amendments of this sort.

**LD 1203      An Act to Rename the Crime of Endangering the Welfare of an      PUBLIC 110**  
**Incompetent Person**

**SPONSOR(S)**                      **COMMITTEE REPORT**                      **AMENDMENTS ADOPTED**  
BENOIT                                      OTP

**SUMMARY**

This bill replaces the word "incompetent" with the word "dependent" to more accurately describe a person who is unable to perform self-care because of advanced age, physical or mental disease, disorder or defect.

**LD 1220      An Act Concerning Suspension of Drivers' Licenses of Minors      ONTP**  
**Who Operate Motor Vehicles Under the Influence**

**SPONSOR(S)**                      **COMMITTEE REPORT**                      **AMENDMENTS ADOPTED**  
HATHAWAY                                      ONTP

**SUMMARY**

This bill would have made it unlawful for a person under 21 years of age to operate a motor vehicle while having any alcohol in the blood. The bill also would have required the Secretary of State to suspend the person's license until that person attains the age of 21 years.

Some of the concepts in this bill are also present in LD 41, now PL 26, "An Act to Decrease to Zero the Allowable Blood-alcohol Level of a Person Holding a Juvenile Provisional License."

**LD 1221      An Act to Establish Responsibility for the Investigation of      PUBLIC 200**  
**the Use of Deadly Force by Law Enforcement Officers**

**SPONSOR(S)**                      **COMMITTEE REPORT**                      **AMENDMENTS ADOPTED**  
BENOIT                                      OTP-AM                                      S-145

**SUMMARY**

Presently, the Attorney General has the responsibility to investigate the use of deadly force by a law enforcement officer when that use of force results in death. As a practical matter, the Attorney General