

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

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*

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**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

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

also investigates those uses of deadly force by law enforcement officers that do not result in death, but the investigation is conducted only upon request and invitation of the law enforcement agency involved. This proposal requires that any use of deadly force by a law enforcement officer, whether or not death results, be reported to the Attorney General.

COMMITTEE AMENDMENT "A" (S-145) to the bill strikes language that allows the Attorney General to designate any other law enforcement agency to conduct an investigation in a case of use of deadly force by a law enforcement officer. The Attorney General must conduct all such investigations.

The amendment also adds a mandate preamble and a fiscal note to the bill.

LD 1228 An Act Relating to the Training and Certification of Law Enforcement Officers ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
DAGGETT	ONTP	

SUMMARY

This bill would have deleted the condition of "subject to available funding" from 2 studies that were required by the Second Regular Session of the 116th Legislature to be completed by the Board of Trustees of the Maine Criminal Justice Academy. The bill would have required the study of the use of reserve and part-time law enforcement officers to be completed by June 1, 1995 and the study of the use of psychological examination for admission to the academy basic training course to be completed by November 1, 1995.

LD 1231 An Act to Provide for a 10-Year License Suspension of Any Person Having 4 or More Operating-under-the-influence Convictions ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
GERRY	ONTP	

SUMMARY

This bill would have required the sentencing court or the Secretary of State to suspend for 10 years the driver's license of a person convicted of a 4th OUI within a 6-year period. Persons convicted of 5 OUI violations, regardless of the period of time, would have had their license permanently suspended.

LD 1234 An Act to Amend the Maine Criminal Code to Ensure Fairness in Classifying a Crime Based on the Value of Loss or Damage PUBLIC 224

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
CLUKEY	OTP-AM	H-260

SUMMARY

Since the inception of the Maine Criminal Code in 1976, inflation has eroded the value of the dollar more than 200%. This erosion was used as the basis for doubling the limits of all fines authorized under section 1301 of the Maine Criminal Code. See Public Law 1991, chapter 355, sections 1 and 2. This bill doubles the dollar amounts used to classify crimes based on the value of loss or damage in order to preserve the same scale of seriousness represented by the legislative judgment made at the time the Maine Criminal Code was created.

COMMITTEE AMENDMENT "A" (H-260) adds a fiscal note to the bill.