

# 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

**LD 1235 An Act to Transfer Juvenile Correctional Functions to the Department of Human Services**

CARRIED OVER

**SPONSOR(S)** BRENNAN  
**COMMITTEE REPORT**  
**AMENDMENTS ADOPTED**

**SUMMARY**

Parts A, B and C of this bill would transfer all juvenile corrections functions from the Department of Corrections to the Department of Human Services.

The Office of Advocacy would be retained in the Department of Corrections to investigate adult abuse or neglect in correctional facilities and a similar office for juvenile corrections would be established in the Department of Human Services. Provisions concerning juvenile delinquency prevention would be limited to youths who are not alleged to have committed crimes and who would be placed in the chapter dealing with child and family services in the Maine Revised Statutes, Title 22. The remainder of the juvenile corrections functions would be placed in the Bureau of Juvenile Corrections, which would be moved from the Department of Corrections to the Department of Human Services. Divisions would be created for planning, probation, aftercare and facilities. The Juvenile Justice Advisory Group would be given the total planning function for juvenile corrections and clarification would be made that the group's implementation authority and the bureau's supervisory authority over planning would be limited to the 3-year comprehensive state plan required by federal law and that the bureau's expenditure authority relative to outside funds would be subject to the group's approval.

The bill would require that the funding to the Maine Youth Center from the Department of Human Services be reduced by 25% in the first fiscal year and 25% in the second fiscal year from the level of funding in fiscal year 1995-1996 and that the department would expend the resulting funds on community services for youths to increase efforts in delinquency prevention, probation and aftercare.

Part D of the bill would transfer from the Department of Corrections to the Department of Human Services all expenditures, assets, liabilities, appropriations and allocations, rules, contracts and agreements, records, property and employees to the extent they are attributable to functions transferred in the bill. It would direct the Department of Human Services to review juvenile corrections and report to the Joint Standing Committee on Human Resources by December 1, 1995. It would direct transitional activities concerning the budget and the functions of the departments involved. It would direct the Joint Standing Committee on Human Resources to submit legislation needed to correct errors and inconsistencies.

**LD 1244 An Act to Require County and State Inmates to Pay a Health Care Fee**

PUBLIC 201

**SPONSOR(S)** WHEELER  
BENOIT  
**COMMITTEE REPORT** OTP-AM  
**AMENDMENTS ADOPTED** H-270

**SUMMARY**

This bill establishes a fee, not to exceed \$5 per item, for medical and dental services and certain medical and dental items for clients of state correctional facilities and prisoners in county jails. Exemptions are provided for certain clients and prisoners or services. Existing provisions for recovering full costs of medical treatment through a civil action remain, but this bill allows more expeditious charges for basic medical services. Money received under this bill is retained to help offset the costs of these services.

COMMITTEE AMENDMENT "A" (H-270) replaces the bill. It allows the county commissioners and the Commissioner of Corrections to establish a fee, not to exceed \$5 per item, for medical and dental services and prescriptions, medication and prosthetic devices for clients in state correctional facilities and prisoners in county jails. Exemptions from payment are provided for certain clients and prisoners under specific circumstances. Existing provisions for recovering full costs of medical treatment through a civil action remain, but this amendment allows more expeditious charges for basic medical services. Money received by the county jail or facility is retained to help offset the costs of these services.

**LD 1250 An Act to Authorize Certain Employees of the Department of Corrections to Use Deadly Force**

PUBLIC 215

**SPONSOR(S)**

O'DEA

**COMMITTEE REPORT**

OTP-AM

**AMENDMENTS ADOPTED**

S-133

S-149 BENOIT

**SUMMARY**

This bill allows officials of the Department of Corrections, such as wardens, superintendents, directors and their deputies who are technically outside the definition of "corrections officer" in the Maine Revised Statutes, Title 17-A to use deadly force under the same circumstances as the corrections officers whom they supervise, but only if qualified, trained and so authorized by the Commissioner of Corrections.

COMMITTEE AMENDMENT "A" (S-133) replaces the bill. It defines "corrections supervisor" and allows corrections supervisors to use deadly force under the same circumstances as the corrections officers whom they supervise, but only if qualified, trained and so authorized by the Commissioner of Corrections.

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" (S-149) makes a technical change to correct the committee amendment.

HOUSE AMENDMENT "A" (H-245) to COMMITTEE AMENDMENT "A" (S-149) would have made the same technical correction as Senate Amendment "A".

**LD 1256 An Act to Permit Wire-tapped Conversations of or with Prisoners to be Used in Court**

PUBLIC 182

**SPONSOR(S)**

BENOIT

**COMMITTEE REPORT**

OTP-AM

**AMENDMENTS ADOPTED**

S-130

**SUMMARY**

This bill permits the admission in court of wire-tapped conversations of or with prisoners. Currently, such conversations are not admissible.

COMMITTEE AMENDMENT "A" (S-130) clarifies that notice of the possibility of a conversation being intercepted and taped must be given to all parties to a communication before the conversation begins. This amendment has no effect on the law that protects attorney-client privilege.