

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

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)	COMMITTEE REPORT	AMENDMENTS ADOPTED
O'DEA	OTP-AM	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)	COMMITTEE REPORT	AMENDMENTS ADOPTED
BENOIT	OTP-AM	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.