

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

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*

**MEMBERS:**

*\*Sen. John W. Benoit  
Sen. Stephen E. Hall  
Sen. John J. O'Dea*

*\*Rep. Herbert E. Clark  
Rep. Birger T. Johnson  
Rep. George H. Bunker, Jr.  
Rep. Richard H. Thompson  
Rep. Edgar M. Wheeler  
Rep. Dean F. Clukey  
Rep. Walter R. Gooley  
Rep. Michael J. McAlevey  
Rep. Judith B. Peavey  
Rep. G. Paul Waterhouse*

*\*Denotes Chair*



**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:

<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-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.