

# 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:

<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 &amp; 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&amp;S XXX</i>	<i>Chapter # of enacted Private &amp; 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

**SPONSOR(S)**

BENOIT

**COMMITTEE REPORT**

OTP-AM

**AMENDMENTS ADOPTED**

S-173

**SUMMARY**

The bill modifies the Maine Juvenile Code in the following ways.

1. The bill allows continuances of dispositional hearings beyond 10 days for cause shown.
2. The bill requires reports by the Department of Corrections only if the court orders them.
3. The bill gives victims of juvenile offenders the same right to address the court at the dispositional hearings as victims of adult offenders at the sentencing hearings.
4. The bill extends the forfeiture of firearms used in certain crimes under the Maine Criminal Code to the forfeiture of such firearms when used by juveniles for the same conduct.

COMMITTEE AMENDMENT "A" (S-173) clarifies the court's role in dispositional hearings for juveniles. The amendment also clarifies when firearms may be forfeited as part of the dispositional hearing process.

**LD 1276 An Act to Identify for Sentencing Purposes Certain Factors  
That Aid in Predicting High-risk Sex Offenders**

PUBLIC 429

**SPONSOR(S)**

MCALEVEY

BENOIT

**COMMITTEE REPORT**

OTP-AM

ONTP

MAJ

MIN

**AMENDMENTS ADOPTED**

H-513

**SUMMARY**

This bill ensures that a person convicted of assault against a child younger than 6 years of age will spend time in prison. The minimum time established is one year. The bill also establishes minimum time of imprisonment for gross sexual assault and unlawful sexual contact. The minimum time for gross sexual assault is 6 months and for unlawful sexual contact is 90 days.

COMMITTEE AMENDMENT "A" (H-513) is the majority report of the Joint Standing Committee on Criminal Justice and it replaces the bill. This amendment identifies 4 specific factors that a court shall treat, if present in the case, as increasing the risk that a convicted sex offender will repeat the offense. These factors are not exclusive and the amendment allows a court to consider at sentencing any other factor found by that court to increase the risk that the convicted sex offender will repeat the offense.

The amendment requires that the court, in arriving at the 3rd step in the sentencing process, not suspend that portion of the maximum term of incarceration based on a prior conviction. Under current law the court may, if exceptional circumstances justify it, suspend the maximum term.

The amendment also adds a fiscal note.