

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

An Act to Prohibit Home Repair Fraud and Establish Aggravated Penalties When the Victim Is an Older Person

CARRIED OVER

SPONSOR(S)

GWADOSKY

COMMITTEE REPORT**AMENDMENTS ADOPTED****SUMMARY**

This bill would explicitly define different practices that typically occur when home repair contractors defraud their customers. A violation of the provisions of the Maine Revised Statutes, Title 10, chapter 208-B would be considered criminal conduct and could result in criminal penalties. If the victim is more than 60 years of age the penalties would be increased.

LD 1304 An Act to Establish the DNA Data Base and Data Bank Act

PUBLIC 457

SPONSOR(S)

BENOIT

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

S-219

SUMMARY

This bill creates the DNA Data Base and Data Bank Act. The Chief of the State Police is responsible for DNA analysis and establishing, managing and administering a DNA identification system comprised of a DNA data base and DNA data bank. The DNA data base and DNA data bank will be housed at the Maine State Police Crime Laboratory in Augusta. The DNA data base will provide information to law enforcement agencies to aid in criminal investigations and be designed so that DNA identification information may be exchanged with the federal data base, CODIS, maintained by the FBI.

Persons, including juveniles, convicted of or adjudicated to have committed serious crimes are required to have a blood sample drawn for the purpose of DNA analysis at the State Police Crime Lab. The resulting DNA record is then entered into a data base for the exchange of information with CODIS, the FBI's DNA data base. The DNA records are confidential except for criminal investigation purposes and limited research, provided that identifying information is removed. A DNA record must be expunged if the conviction or adjudication of a person is subsequently reversed or dismissed on appeal.

COMMITTEE AMENDMENT "A" (S-219) clarifies that the Chief of the State Police is not required to collect or analyze DNA samples unless adequate funding is available.

The amendment clarifies that for any conviction subsequent to the effective date of this bill a DNA sample may be taken at any time during the defendant's period of confinement.

The amendment removes the provision that would allow a blood sample taken during a criminal investigation to be used for a DNA sample. Eliminating this provision avoids confusion in administration and removes potential challenges to the secondary use of a sample that goes beyond the State's purpose covered in a search warrant.

The amendment allows for DNA tests when a person is convicted of a lesser included offense of any crime that mandates a DNA test if the greater offense is initially charged.

The amendment also clarifies that a person charged with a criminal offense has access only to that person's DNA records and any other records that are otherwise discoverable to that person under the Maine Rules of Evidence.

The amendment also adds a fiscal note to the bill.