

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:

<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

SPONSOR(S)
JOHNSON**COMMITTEE REPORT**
OTP**AMENDMENTS ADOPTED****SUMMARY**

This bill eliminates the requirement for constant one-on-one sight and sound observation of juveniles in a secure setting who are in no immediate danger of harming themselves.

LD 1309 An Act to Regulate Bank Accounts of Clients of the Department of Corrections

ONTP

SPONSOR(S)
THOMPSON**COMMITTEE REPORT**
ONTP**AMENDMENTS ADOPTED****SUMMARY**

This bill would have allowed the Department of Corrections greater control over the disbursement and intended uses of a client's money to prevent abuses and other problems.

LD 1344 An Act to Make Certain Changes to Postconviction Review

PUBLIC 286

SPONSOR(S)
THOMPSON**COMMITTEE REPORT**
OTP**AMENDMENTS ADOPTED****SUMMARY**

This bill amends postconviction review, the Maine Revised Statutes, Title 15, chapter 305-A. First, it allows persons, following a judgment of not criminally responsible by reason of mental disease or mental defect, to collaterally attack that judgment as authorized under Title 15, section 2125. At the same time it precludes following commitment under Title 15, section 103, challenges to court proceedings or administrative actions that affect release or discharge under Title 15, section 104-A. Second, it replaces the current law relating to stale claims with language modelled after current Rule 9 (a) of the "Rules Governing Section 2254 Cases in the United State District Court" and amendments to that rule proposed by the Advisory Committee on the Criminal Rules but not adopted by Congress. This bill also makes 2 nonsubstantive changes to Title 15, section 103.

LD 1379 An Act to Ensure a Minimum Sentence for a Sex Crime Committed against a Minor and to Permit Attendance of a Minor's Victim and Witness Advocate at a Grand Jury Proceeding

ONTP

SPONSOR(S)
CAMERON**COMMITTEE REPORT**
ONTP**AMENDMENTS ADOPTED****SUMMARY**

This bill would have ensured that a person, including a first-time offender, convicted of a certain sex crime against a minor received a minimum sentence of 2 years imprisonment, which could not be suspended. The bill also would have permitted a victim and witness advocate to accompany a minor who was testifying before a grand jury as a victim of a certain sex crime.