

# 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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Rep. G. Paul Waterhouse*

*\*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

**LD 1408 An Act to Permit Polygraph Examination of Certain Individuals Charged with Committing a Crime**

ONTP

**SPONSOR(S)**  
MICHAUD

**COMMITTEE REPORT**  
ONTP

**AMENDMENTS ADOPTED**

**SUMMARY**

This bill would have defined polygraph and polygraph examination as in the current licensing provisions for polygraph examiners, and would have accorded persons charged with crimes the opportunity to have a polygraph examination on their request.

**LD 1409 An Act to Conform the Penalties for Crimes Relating to Reckless Conduct to the Maine Criminal Code**

ONTP

**SPONSOR(S)**  
WHEELER  
MICHAUD

**COMMITTEE REPORT**  
ONTP

**AMENDMENTS ADOPTED**

**SUMMARY**

This bill would have amended the Maine Revised Statutes, Title 12, section 7901 to make reckless operation of a snowmobile, watercraft or ATV a Class D crime in order to conform to the Maine Criminal Code in which reckless conduct under Title 17-A, section 211 is a Class D crime. Title 12, section 7901, subsection 2 would have been repealed and replaced for format only.

**LD 1411 An Act to Amend the Maine Bail Code**

PUBLIC 356

**SPONSOR(S)**  
WHEELER  
MICHAUD

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
H-483

**SUMMARY**

This bill does the following:

1. Adds a definition of "failure to appear" to the Maine Bail Code to ensure that the phrase carries the same meaning throughout the code;
2. Amends the definitions of "preconviction" and "post-conviction" to clarify that a court's acceptance of a plea of guilty or nolo contendere constitutes a conviction;
3. Clarifies that a law enforcement officer's authority to release an arrestee on personal recognizance extends only to those whom the officer has arrested without a warrant;
4. Clarifies that bail conditions take effect when set, except when otherwise specified by the judicial officer;
5. Clarifies that bail orders issued under the Maine Revised Statutes, Title 15, section 1026, following a Harnish bail proceeding, are subject to amendment under Title 15, section 1026, subsection 3, paragraph C;
6. Clarifies that bail orders issued under the discretionary authority of the court to set bail in cases involving formerly capital offenses are not subject to amendment under Title 15, section 1026, subsection 3, paragraph C. Since the bail orders are issued pursuant to the discretionary authority