

MAINE STATE LEGISLATURE

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**STATE OF MAINE
117TH LEGISLATURE**

SECOND REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
CRIMINAL JUSTICE**

JUNE 1996

MEMBERS:

Sen. John W. Benoit, Chair

Sen. Stephen E. Hall

Sen. John J. O'Dea

Rep. Herbert E. Clark, Chair

Rep. Birger T. Johnson

Rep. George H. Bunker, Jr.

Rep. Richard H. Thompson

Rep. Dean F. Clukey

Rep. Walter R. Gooley

Rep. Michael J. McAlevey

Rep. Judith B. Peavey

Rep. Edgar Wheeler

Rep. William F. Reed

Staff:

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**ONE HUNDRED SEVENTEENTH LEGISLATURE
SECOND REGULAR SESSION**

**Summary Of Legislation Before The Joint Standing Committees
June 1996**

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized alphabetically by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are 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 finally passed 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>

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is July 4, 1996.

LD 1738**An Act to Require Prisoners to Pay Their Fair Share of Victim Restitution**

PUBLIC 534

Sponsor(s)
WHEELER
BENOIT

Committee Report
OTP

Amendments Adopted

LD 1738 proposed to change the language in the law that concerns the payment of restitution by a prisoner to a victim from 25% of all income of a prisoner to 25% of all money generated by the prisoner, which may include nonincome sources of money.

Enacted law summary

Public Law 1995, chapter 534 requires a prisoner to pay to a victim 25% of all money the prisoner may generate from whatever source if the court has ordered that restitution be paid.

LD 1766**An Act to Prohibit Stalking**

PUBLIC 668

Sponsor(s)
SAXL M
KILKELLY

Committee Report
OTP-AM MAJ
OTP-AM MIN

Amendments Adopted
H-829

LD 1766 proposed to create the crime of stalking using the United States Department of Justice, National Institute of Justice's Model Anti-Stalking Code for States.

The crime consists of intentionally engaging in a course of conduct directed at a specific person that would cause a reasonable person to suffer emotional distress or to fear bodily injury or death to that person or to a member of that person's immediate family. The actor also must know or should know that the specific person will suffer emotional distress or will be placed in reasonable fear of bodily injury or death to that person or to a member of that person's immediate family, and the actor's acts must in fact induce substantial emotional distress or fear of bodily injury or death to the other person or to a member of that person's immediate family. "Course of conduct" includes a person's gaining unauthorized access to another person's personal, medical or financial information. Access to personal, medical or financial information includes access by computer network, mail, telephone or written communication. Constitutionally protected activity is not included within the meaning of "course of conduct." By including "emotional distress" in the provision, conduct prohibited by the bill would include such things as stalkers' self-mutilation or numerous unwanted telephone calls made by a stalker.

LD 1766 proposed to make stalking a Class D crime with a minimum sentence of imprisonment of 60 days, of which 48 hours may not be suspended. The bill further proposed to make stalking a Class C crime if the actor has prior stalking violations or prior protective order violations. In these cases the court shall impose a minimum sentence of imprisonment of at least 6 months, of which 14 days may not be suspended.

LD 1766 also proposed to direct the Supreme Judicial Court, with the cooperation of the Maine Department of Public Safety, to establish a statewide computer criminal record system for use by law enforcement officers including prosecutors in their respective offices, to provide instant access to all available existing criminal records, including stalking or harassment convictions, and protection orders in the State. This system must be funded in part through an additional 2% surcharge on fines, forfeitures and penalties collected by the Government Operations Surcharge