

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 electronic originals
(may include minor formatting differences from printed original)

**STATE OF MAINE
118TH LEGISLATURE**

**FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION**

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

JULY 1997

MEMBERS:

*Sen. Robert E. Murray, Jr., Chair
Sen. William B. O'Gara
Sen. Betty Lou Mitchell*

*Rep. Edward J. Povich, Chair
Rep. George H. Bunker, Jr.
Rep. Roger D. Frechette
Rep. Sharon Libby Jones
Rep. Christopher T. Muse
Rep. Michael J. McAlevey
Rep. Judith B. Peavey
Rep. Edgar Wheeler
Rep. Julie Ann O'Brien
Rep. James H. Tobin, Jr.*

Staff:

*Marion Hylan Barr, Legislative Analyst
Heather H. Henderson, Legislative Analyst*

*Office of Policy and Legal Analysis
Room 101/107/135, 13 State House Station
Augusta, ME 04333
(207)287-1670*



Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS

13 State House Station, Augusta, Maine 04333-0013
 Telephone: (207) 287-1670
 Fax: (207) 287-1275

ONE HUNDRED EIGHTEENTH LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS

Summary Of Legislation Before The Joint Standing Committees
August 1997

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. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

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 Regular 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 IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</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/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</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>OTP ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i>	<i>Committee report Ought To Pass In New Draft/New Title</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>Bill held by Governor</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 First Regular Session (unless otherwise specified in a particular law) is June 26, 1997 and September 19, 1997 for the First Special Session.

David E. Boulter, Director
 Offices Located in the State House, Rooms 101/107/135

Joint Standing Committee on Criminal Justice

LD 9 **An Act to Amend the Criminal Code Concerning the Crime of Assault on an Officer** **PUBLIC 67**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
-------------------	--	--------------------------------	--	---------------------------

LD 9 proposed to eliminate the requirement that a criminal complaint for the crime of assault on a law enforcement officer be initiated by the chief administrative officer of the law enforcement agency or facility in which the officer against whom the assault was allegedly committed is a member or is assigned. This bill was proposed by the Criminal Law Advisory Commission.

Enacted law summary

Public Law 1997, chapter 67 eliminates the requirement that a criminal complaint for the crime of assault on a law enforcement officer be initiated by the chief administrative officer of the law enforcement agency or facility in which the officer against whom the assault was allegedly committed is a member or is assigned.

LD 36 **An Act to Criminalize Certain Photographing of Children** **OTP-ND-NT**

<u>Sponsor(s)</u> SMALL PEAVEY		<u>Committee Report</u> OTP-ND-NT		<u>Amendments Adopted</u>
--------------------------------------	--	--------------------------------------	--	---------------------------

LD 36 proposed to establish the Class D crime of visual exploitation of a child. A person would have been guilty of visual exploitation of a child if that person photographed or video recorded a minor for the purpose of arousing or gratifying that person's sexual desire.

See LD 1892, An Act to Criminalize Certain Photographing of Children Under the Clothing of a Person in a Public Place by Mechanical or Electronic Equipment, which is LD 36 passed in a new draft.

LD 47 **An Act Concerning the Responsibility of Prisoners for Family Support** **PUBLIC 41**

<u>Sponsor(s)</u> WHEELER E FERGUSON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-18
--	--	-----------------------------------	--	-----------------------------------

LD 47 proposed to require an offender incarcerated in a state correctional facility to pay up to 25% of the money in the offender's account with the facility, or that could be in the account by virtue of the offender's working, in order to provide any court-ordered support or alimony, including that of a spouse or former spouse, regardless of whether that spouse had custody of any of the person's children. The bill proposed to require the offender to maintain at least 25% of the offender's income in the offender's account in order to meet the support obligations. Shifting money out of the offender's account in order to escape these provisions would have constituted the Class D crime of fraudulent conveyance.

Committee Amendment "A" (H-18) proposed several changes to the bill, including eliminating the following:

1. The Class D crime of defrauding a creditor;
2. The requirement that a court order for support exist;
3. The requirement that the Commissioner of Corrections keep the courts informed as to a prisoner's work history and performance; and
4. The requirement that spousal support be paid.

The amendment also proposed to require a prisoner to consent to pay at least 25% of the prisoner's earnings toward child support before the prisoner could participate in a program through which the prisoner would be able to generate money. The amendment proposed to permit a parent, legal guardian or legal custodian of the child to request payments from the facility housing the prisoner.

The amendment proposed to apply these provisions to both state and county facilities and to exclude prisoners already making child support payments pursuant to an order issued by a court or by the Department of Human Services.

Enacted law summary

Public Law 1997, chapter 41 requires a prisoner in a state or county facility to consent to pay at least 25% of the prisoner's earnings toward child support before that prisoner may participate in a program in which the prisoner can earn money. A parent or guardian of a child may request to receive child support payments directly from the prisoner's facility. The law does not apply to prisoners who make child support payments pursuant to a Department of Human Services order.

LD 56

An Act to Increase the Fee That May Be Assessed against a Prisoner to Help Defray the Costs of Incarceration

PUBLIC 88

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY FERGUSON	OTP-AM	H-102

LD 56 proposed to increase from \$20 to \$60 per day the fee that could be assessed against a prisoner in a county jail to help defray the costs of incarceration.