

MAINE STATE LEGISLATURE

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**STATE OF MAINE
118TH LEGISLATURE**

**FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION**

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

JULY 1997

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Sen. William B. O'Gara
Sen. Betty Lou Mitchell*

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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

Public Law 1997, chapter 34 repeals Maine Revised Statutes, Title 17-A, section 203, subsection 3, paragraph A, which provides a defense to a prosecution of a manslaughter based upon the reckless or criminally negligent operation of a motor vehicle. This provision reduces manslaughter based upon the criminally negligent operation of a motor vehicle to a Class B crime. The defense is available under current law when the death of the victim resulted from conduct that would otherwise be defined only as a civil violation or civil infraction.

Because of the existence of Title 17-A, section 203, subsection 3, paragraph A, the court in *State v. Berube*, 669 A.2d 170 (Me. 1995) vacated a Class A manslaughter conviction and the 12-year sentence that had been imposed. Public Law 1997, chapter 34 overrules *State v. Berube* to the extent that it makes all vehicular homicides a Class A crime.

LD 232 **An Act to Create the Class A Crime of Theft** **ONTP**

<u>Sponsor(s)</u> POVICH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 232 proposed to create the Class A crime of theft of property or services valued in excess of \$50,000.

LD 245 **An Act to Provide a Time Limit Extension for Basic Corrections Training** **PUBLIC 14**

<u>Sponsor(s)</u> WHEELER E		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 245 proposed to allow the Board of Trustees of the Maine Criminal Justice Academy to extend by 90 days the period in which a full-time corrections officer must receive basic training.

Enacted law summary

Public Law 1997, chapter 14 allows the Board of Trustees of the Maine Criminal Justice Academy to extend by 90 days the period in which a full-time corrections officer must receive basic training. Currently, a full-time corrections officer must complete training within the first 12 months of employment.

LD 261 **An Act to Establish the Crime of Elevated Aggravated Assault** **PUBLIC 461**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-101
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LD 261 proposed to establish the Class A crime of elevated aggravated assault. The bill was proposed by the Criminal Law Advisory Commission.

Committee Amendment "A" (H-101) proposed to strike redundant language, correct the corresponding verb change and add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 461 establishes the Class A crime of elevated aggravated assault. A person is guilty of elevated aggravated assault if that person uses a dangerous weapon to cause serious bodily injury to another either intentionally or knowingly or with depraved indifference to the value of human life.

LD 286 An Act to Meet Federal Requirements Regarding Collection of Bias PUBLIC 47
Motivation Data through Uniform Crime Reporting

<u>Sponsor(s)</u> LINDAHL		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 286 proposed to bring provisions that govern uniform crime reporting data collection by the State Police into compliance with federal law.

Enacted law summary

Public Law 1997, chapter 47 was enacted in response to the federal Violent Crime and Law Enforcement Act of 1994, which amended the Hate Crimes Statistics Act to include the collection of data using the Uniform Crime Reporting System about crimes that manifest evidence of prejudice based on disability. Public Law 1997, chapter 47 brings the Maine Revised Statutes, Title 25, section 1544, which governs uniform crime reporting data collection by the State Police, into compliance with the federal requirement.

LD 291 An Act Concerning Defendants' Ability to Attack Orders of PUBLIC 30
Restitution

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 291 proposed to build upon current case law that allows a court to satisfy itself as to a defendant's ability to pay a specific amount of restitution by relying upon the defendant's consent to pay that amount. The bill was proposed by the Criminal Law Advisory Commission.

Enacted law summary

Public Law 1997, chapter 30 builds upon current case law that allows a court to satisfy itself as to a defendant's ability to pay a specific amount of restitution by relying upon the defendant's consent to pay that amount. See generally, *State v. Dragon*, 521 A.2d 704 (Me. 1987); *State v. LaCase*, 512 A.2d 315-316 (Me. 1986). Public Law 1997, chapter 30 precludes a defendant under these circumstances from seeking thereafter to have that restitution order vacated as excessive.