

# 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**

**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  
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Rep. Edgar Wheeler  
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Rep. James H. Tobin, Jr.*

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**Maine State Legislature**

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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](http://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:

- CARRIED OVER*.....*Bill carried over to Second Regular Session*
- CON RES XXX*.....*Chapter # of Constitutional Resolution passed by both Houses*
- CONF CMTE UNABLE TO AGREE*.....*Committee of Conference unable to agree; bill died*
- DIED BETWEEN BODIES*.....*House & Senate disagree; bill died*
- DIED IN CONCURRENCE*.....*One body accepts ONTP report; the other indefinitely postpones the bill*
- DIED ON ADJOURNMENT*.....*Action incomplete when session ended; bill died*
- EMERGENCY*.....*Enacted law takes effect sooner than 90 days*
- FAILED EMERGENCY ENACTMENT/FINAL PASSAGE*.....*Emergency bill failed to get 2/3 vote*
- FAILED ENACTMENT/FINAL PASSAGE*.....*Bill failed to get majority vote*
- FAILED MANDATE ENACTMENT*.....*Bill imposing local mandate failed to get 2/3 vote*
- INDEF PP*.....*Bill Indefinitely Postponed*
- ONTP*.....*Ought Not To Pass report accepted*
- OTP ND*.....*Committee report Ought To Pass In New Draft*
- OTP ND/NT*.....*Committee report Ought To Pass In New Draft/New Title*
- P&S XXX*.....*Chapter # of enacted Private & Special Law*
- PUBLIC XXX*.....*Chapter # of enacted Public Law*
- RESOLVE XXX*.....*Chapter # of finally passed Resolve*
- UNSIGNED*.....*Bill held by Governor*
- VETO SUSTAINED*.....*Legislature failed to override Governor's Veto*

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

LD 310 proposed to allow employees of the Department of Corrections who are certified as law enforcement officers to exercise the powers of law enforcement officers as part of their employment duties, if authorized to do so by the Commissioner of Corrections.

**Committee Amendment "A" (H-103)** was the majority report of the Joint Standing Committee on Criminal Justice and proposed to limit the authority of investigative officers by stating that they could not exercise law enforcement powers against other employees of the department. The amendment also proposed that internal investigations of department employees would be conducted according to any applicable collective bargaining agreement. The amendment also would have added a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 102 allows Department of Corrections' employees who are certified as law enforcement officers to exercise the powers of law enforcement officers as part of their employment duties. This authority must first be authorized by the Commissioner of Corrections and may not be used against other employees of the department. Public Law 1997, chapter 102 specifies that internal investigations of department employees be conducted according to any applicable collective bargaining agreement.

**LD 328**

**An Act to Increase the Penalty for Burglary When the Actor has Prior Convictions for Certain Enumerated Crimes**

**PUBLIC 477**

Sponsor(s)  
POVICH

Committee Report  
OTP-AM

Amendments Adopted  
H-384

LD 328 proposed to enhance the sentencing classification for a burglary from a Class C crime to a Class B crime if the defendant had at least 2 prior convictions for any combination of theft, aggravated forgery, forgery, negotiating a worthless instrument, burglary, robbery or any attempts to commit those crimes. This bill also proposed to provide that a prior conviction for burglary could be considered regardless of what crime the offender intended to commit at the time of the burglary.

**Committee Amendment "A" (H-384)** proposed to limit the types of prior convictions that make burglary a Class B crime. The amendment proposed to specify the technical aspects of defining prior convictions and to add a fiscal note.

***Enacted law summary***

Public Law 1997, chapter 328 enhances the sentencing classification for a burglary from a Class C crime to a Class B crime if the defendant intentionally or recklessly inflicted or attempted to inflict bodily injury on anyone during the commission of the burglary, the defendant was armed with a dangerous weapon other than a firearm, the violation occurred in a dwelling place or at the time of the burglary the defendant had 2 or more prior Class A, B or C convictions for any combination of burglary, robbery, theft, aggravated forgery, forgery, negotiating a worthless instrument or any attempts to commit those crimes.