

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.
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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

LD 470

An Act to Increase Security at the Maine State Prison

**P & S 1
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURRAY POVICH		S-9 MURRAY

LD 470 proposed to make supplemental appropriations from the General Fund to increase security by establishing 9 new guard positions at the Maine State Prison. The bill was not referred to the Joint Standing Committee on Criminal Justice.

Senate Amendment "A" (S-9) proposed to clarify that the funds be appropriated from the General Fund.

Enacted law summary

Private and Special Law 1997, chapter 1 makes supplemental appropriations from the General Fund to increase security by establishing 9 new guard positions at the Maine State Prison. Private and Special Law 1997, chapter 1 was enacted as an emergency measure effective on February 10, 1997.

LD 504

An Act to Amend Certain Provisions Dealing with Juvenile Summons

PUBLIC 350

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENOIT BUNKER	OTP-AM	S-249

LD 504 proposed to amend the Maine Juvenile Code in the following manner:

1. Lower the age below which a person is considered a juvenile from 18 to 17 years of age;
2. Amend the bind-over process to allow a juvenile to be bound over to the Superior Court at the request of a prosecutor. The juvenile could request a hearing on that request of the prosecutor;
3. Remove from the definition of "juvenile crime" those offenses involving marijuana and intoxicating liquor;
4. Repeal the prohibition on the questioning of juveniles by law enforcement officers without the presence, consent or notification of a legal custodian;
5. Amend the procedure for service of summons; and
6. Permit hearings and records involving a juvenile who was at least 16 years of age at the time of the crime to be open to the public.

Committee Amendment "A" (S-249) replaced the bill. The amendment proposed to require a juvenile caseworker to issue and would allow that caseworker to serve a juvenile summons, if the caseworker decided to request that the prosecuting attorney file a petition against a juvenile. The amendment also proposed to add a fiscal note.

Enacted law summary

Public Law 1997, chapter 350 requires a juvenile caseworker to issue and would allow that caseworker to serve a juvenile summons, if the caseworker decided to request that the prosecuting attorney file a petition against a juvenile. If the caseworker does not serve the summons, the caseworker must request a law enforcement officer to make service. The summons must include information required in a summons for an adult crime under Title 17-A, section 15-A. Service must be made as required by Rule 4(c)(4) of the Maine Rules of Criminal Procedure.

LD 515 An Act to Set a Fixed Rate for Housing of State Prisoners CARRIED OVER

<u>Sponsor(s)</u> BUNKER		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 515 fixes the rate of reimbursement to counties for prisoners at \$83.75 per prisoner per day. The bill specifies that a county must petition the Legislature for any desired change in that rate.

The bill was carried over to the Second Regular Session of the 118th Legislature.

LD 521 An Act to Encourage Collaboration and Cooperation among Agencies in the Interests of Juveniles within the Juvenile Court System PUBLIC 278

<u>Sponsor(s)</u> O'BRIEN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-379
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LD 521 proposed to permit distribution of confidential information regarding juvenile offenders by and to juvenile courts, law enforcement agencies, schools and health and welfare agencies to create an individualized plan for a juvenile's rehabilitation.

Committee Amendment "A" (H-379) replaced the bill. The amendment proposed that confidential information regarding a juvenile be distributed only if the juvenile is adjudicated of a juvenile crime. The amendment also proposed that for educational agencies, only the superintendent of the juvenile's school and the superintendent's designees could receive the confidential information.

Enacted law summary

Public Law 1997, chapter 278 permits distribution of confidential information regarding juvenile offenders by and to juvenile courts, law enforcement agencies, the superintendent of the juvenile's school and health and welfare agencies to create an individualized plan for a juvenile's rehabilitation. Public Law 1997, chapter 278 also limits the sharing of confidential information regarding juveniles to those cases in which the juvenile has been adjudicated of a juvenile crime.