

# 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](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:

<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 &amp; 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&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; 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 522****An Act to Clarify the Need and Time Frame for Presentence Investigations**

ONTP

<u>Sponsor(s)</u> BUNKER	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 522 proposed that presentence investigations could be ordered in the court's discretion. The bill also proposed that presentence investigations be completed within 30 days, unless the Division of Probation and Parole demonstrated that more time was needed.

**LD 523****An Act to Require Law Enforcement Officers to Furnish an Affidavit of Probable Cause to Holding Facilities**

ONTP

<u>Sponsor(s)</u> BUNKER	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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The Maine Rules of Criminal Procedure require a District Court judge or a justice of the peace to determine, within 48 hours of an arrest, whether there is probable cause to hold the person who has been arrested. LD 523 proposed to require the arresting officer to give the holding facility a written promise that the officer would furnish the facility with a copy of the document endorsed by the District Court judge or justice of the peace with the determination. The bill would have permitted the holding facility to release the person arrested if the officer failed to provide a copy of the document within 24 hours of the determination.

**LD 538****An Act to Increase the County Share and Change the Name of the Government Operations Surcharge Fund**

ONTP

<u>Sponsor(s)</u> ROWE BENNETT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 538 proposed to change the name of the Government Operations Surcharge Fund to the Jail Operations Surcharge Fund, as it was named before 1991.

Currently, 2% of the total funds collected through fines and the surcharge are paid out of the fund to the counties each month. This bill proposed to increase the percentage of total collections that was returned to the counties by 1% each year, beginning July 1, 1998, until all the money collected through the surcharge was returned to the counties.

LD 538 proposed to change the method of determining the counties' shares of the fund. Currently, 1991 is used as the base year and each county receives the same percentage of the fund as it received in 1991. This bill would have based the distribution of current funds on the percentage of court collections received by each county in the previous year.