

MAINE STATE LEGISLATURE

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STATE OF MAINE
118TH LEGISLATURE

SECOND REGULAR SESSION
AND
SECOND SPECIAL SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
CRIMINAL JUSTICE

MAY 1998

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Staff:

Marion Hylan Barr, 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
SECOND REGULAR AND SECOND SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees
May 1998**

We are pleased to provide this summary of bills that were considered by the Joint Standing Committees of the Maine Legislature. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. 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 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:

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 Second Regular Session (unless otherwise specified in a particular law) is June 30, 1998 and July 9, 1998 for the Second Special Session. Second Special Session laws include Public Laws beginning with Chapter 718, Private and Special Laws beginning with Chapter 82 and Resolves beginning with Chapter 117.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMKE	OTP-AM	H-798 S-774 MICHAUD

LD 753 proposed to permit law enforcement officers to take intoxicated persons into protective custody by placing them in a municipal or county jail or lock-up. The bill proposed that protective custody is not an arrest, the person may not be charged with a crime and the custody may not extend beyond 12 hours. The bill also proposed to exempt law enforcement officers from criminal and civil liability for imposing protective custody, unless the officer acts willfully and maliciously.

Committee Amendment "A" (H-798) renamed and replaced the bill. Committee Amendment "A" proposed to do the following:

1. Define the terms "intoxicated" and "public intoxication";
2. Beginning April 30, 1998 and monthly thereafter, require law enforcement agencies to report incidents of public intoxication to the Department of Public Safety. These records would not include individuals' names. Beginning June 30, 1998 and quarterly thereafter, the Department of Public Safety would have to forward the records to the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse. The records would have included the number of reported cases of public intoxication; the number of persons who are reported more than one time for public intoxication; the number of persons transported to a state-licensed treatment facility or shelter as a result of reported incidents of public intoxication; the number of persons transported to their residence or left with a family member or friend as a result of these reported incidents of public intoxication; and the number of intoxicated persons left at the scene of the reported incident or at another public place;
3. Specify that a law enforcement officer is not liable in a civil action for failing to provide assistance to a person intoxicated in a public place if that person refuses the law enforcement officer's assistance;
4. Create a study group to review the reports regarding public intoxication submitted to the Office of Substance Abuse by law enforcement agencies. The study group would have made recommendations to develop a comprehensive and effective network of services for persons who were found publicly intoxicated and who were chemically dependent and would pose a serious threat of harm to themselves or to others. The study group would have considered the implications of reinstating involuntary commitment for persons suffering from chronic and life-threatening substance abuse. The study group would have reported its recommendations and any implementing legislation to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by January 1, 1999; and
5. Add a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-477) was presented on behalf of the Committee on Engrossed Bills and proposed to correct figures in the appropriation in the committee amendment. (Not adopted)

Senate Amendment "B" to Committee Amendment "A" (S-503) proposed to remove the provision that specifies that a law enforcement officer is not liable in a civil action for failing to provide assistance to a person intoxicated

in a public place if that person refuses the law enforcement officer's assistance. Senate Amendment "B" to Committee Amendment "A" also proposed to incorporate the changes made in Senate Amendment "A" to Committee Amendment "A" that correct figures in the appropriation section of the committee amendment. (Not adopted)

Senate Amendment "C" to Committee Amendment "A" (S-774) proposed to remove the provision that specifies that a law enforcement officer is not liable in a civil action for failing to provide assistance to a person intoxicated in a public place if that person refuses the law enforcement officer's assistance. Senate Amendment "C" also proposed to remove the Department of Mental Health, Mental Retardation and Substance Abuse Services study group provisions and eliminate the General Fund appropriations to the Legislature. This amendment incorporated changes in Senate Amendment "A" to Committee Amendment "A" (S-477) and Senate Amendment "B" to Committee Amendment "A" (S-503).

Enacted law summary

Public Law 1997, chapter 756, beginning April 30, 1998 and monthly thereafter, requires law enforcement agencies to report incidents of public intoxication to the Department of Public Safety. These records may not include individuals' names. Beginning June 30, 1998 and quarterly thereafter, the Department of Public Safety will forward the records to the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse. The records must include the number of reported cases of public intoxication; the number of persons who are reported more than one time for public intoxication; the number of persons transported to a state-licensed treatment facility or shelter as a result of reported incidents of public intoxication; the number of persons transported to their residence or left with a family member or friend as a result of these reported incidents of public intoxication; and the number of intoxicated persons left at the scene of the reported incident or at another public place.

LD 804 **Resolve, to Create the Juvenile Crime Task Force to Develop a Continuum of Services for Juveniles** **ONTP**

<u>Sponsor(s)</u> TREAT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 804 proposed to create the Juvenile Crime Task Force to evaluate the current state of community-based juvenile corrections services and to recommend steps for implementing an improved system focusing on community-based interventions.

LD 862 **Resolve, to Establish a Commission to Examine the Laws Pertaining to Juvenile Offenders** **ONTP**

<u>Sponsor(s)</u> PLOWMAN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 862 proposed to establish the Commission to Examine the Laws Pertaining to Juvenile Offenders to make recommendations for habitual juvenile offenders and for juvenile offenders whose acts the citizens of the State find unconscionable.