

# 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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**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 725

**An Act Requiring State Reimbursement for Certain Services Provided by Counties**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SKOGLUND	ONTP MAJ OTP-AM MIN	

LD 725 proposed to require the Department of Corrections to reimburse counties for certain transportation costs. The bill also proposed to require the Department of Corrections to provide full reimbursement under the Community Corrections Act for fiscal years 1993-94, 1994-95, 1995-96 and 1996-97.

**Committee Amendment "A" (H-556)** was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to delete language that would have required counties to use in a specified manner funds received as reimbursement for housing state prisoners. That language was enacted to respond to a one-time distribution of money and was meant to be only temporary.

LD 753

**An Act to Allow Police to Take Intoxicated Persons into Custody** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMKE		

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

LD 753 was carried over to the Second Regular Session of the 118th Legislature.

**LD 760**

**An Act to Increase Penalties for Subsequent Violations of the Laws Prohibiting Indecent Conduct** **PUBLIC 256**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHEELER E	OTP-AM	H-341

LD 760 proposed to create 3 different classes for the offense of indecent conduct. If a person had 2 or more prior indecent conduct convictions, it would have been a Class C crime. If a person had been previously convicted of violating this section or section Title 17-A, section 256, it would have been a Class D crime. Any other charge of indecent conduct would have remained a Class E crime.

**Committee Amendment "A" (H-341)** proposed to increase the sentencing class for indecent conduct from Class E to Class D if the defendant had 2 or more prior convictions for indecent conduct or visual sexual aggression against

a child. The amendment also proposed that the probationary period for a defendant with 2 or more prior convictions could be doubled.

This amendment also proposed to add a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 256 increases the sentencing class for indecent conduct from Class E to Class D if the defendant has 2 or more prior convictions for indecent conduct or visual sexual aggression against a child. Public Law 1997, chapter 256 also allows the court to increase from one year to 2 years the probationary period for a defendant with 2 or more prior convictions for violation of Title 17-A, sections 256 or 854.

**LD 803                      An Act to Protect the Rights of Children Who Have Been Victims of                      PUBLIC 548  
Sexual Abuse by a Juvenile**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AMERO	OTP-AM	S-207
MUSE		S-382 MICHAUD

LD 803 proposed to require the Department of Corrections to notify day-care facility operators and other local authorities or entities involved in the care of children when a juvenile adjudicated of having committed gross sexual assault resides, works or attends school in the area of the facility involving the care of children.

The bill also proposed to direct the Department of Human Services and the Department of the Attorney General to convene a work group to examine the legal rights of children who are alleged victims of sexual abuse and to review current investigative and courtroom procedures for child sexual abuse cases.

**Committee Amendment "A" (S-207)** proposed that notice of a judgment against a juvenile sex offender would have to be given to licensed and registered day-care facility operators and, upon request, to entities that provide care to children and are located in the municipality in which the juvenile lives, works or attends school.

The amendment would have clarified who would be participating in the work group studying the rights of children who are the alleged victims of sexual abuse and would have changed the work group's reporting date from January 15, 1999 to November 15, 1998. The amendment also proposed to add a fiscal note to the bill.

**House Amendment "A" to Committee Amendment "A" (H-537)** proposed to provide for staffing the work group and to clarify the provision of per diem for legislative members. The amendment also would have added an appropriation section to the bill.

**Senate Amendment "A" to Committee Amendment "A" (S-382)** would have changed the work group's reporting date to on or before January 1, 1998 and removed the appropriation in fiscal year 1998-99.

***Enacted law summary***

Public Law 1997, chapter 548 requires the Department of Corrections to give notice of a judgment against a juvenile sex offender to licensed and registered day-care facility operators and, upon request, to entities that provide care to children and are located in the municipality in which the juvenile lives, works or attends school.