

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

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Sen. Betty Lou Mitchell

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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

<u>Sponsor(s)</u> TREAT KERR	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-72
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LD 874 proposed to amend the law governing the installation of smoke detectors in dwelling units to ensure that the smoke detectors relied upon by occupants are appropriate to warn the occupants.

If the owner failed to provide a smoke detector that was suitable to warn the occupant of a dwelling unit, the occupant could have obtained one and could have deducted the reasonable costs of doing so from the rent.

Committee Amendment "A" (S-72) proposed that a visual smoke detector would have to be approved by the State Fire Marshal. The amendment also specified that, if a landlord did not provide a suitable smoke alarm for a deaf or hard-of-hearing tenant, the tenant could obtain, install and maintain a suitable smoke detector and deduct the actual costs of doing so from the rent. This amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 95 amends the law governing the installation of smoke detectors in dwelling units to ensure that the smoke detector relied upon by the occupant is appropriate to warn the occupant.

If the owner does not provide a smoke detector that is suitable to warn the occupant of the dwelling unit, the occupant may do so and deduct the actual costs from the rent. The occupant may not be subjected to any repercussions for not paying that portion of the rent.

<u>Sponsor(s)</u> BENOIT WATERHOUSE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-305
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LD 882 proposed to provide the court with a wider definition of the ability to pay restitution. This bill would have authorized a court to order offenders to work in the public interest to repay their victims. The bill also would have postponed appellate review of restitution orders until offenders were found to have inexcusably violated probation or court payment schedules. LD 882 would have required all offenders to pay restitution either by monetary compensation or through work.

Committee Amendment "A" (S-305) replaced the bill. The amendment proposed to require the court to consider an offender's present and future ability to pay when imposing restitution and to specify that the burden lies on the offender to prove an incapacity to pay restitution.

The amendment would have placed an affirmative duty on the offender to seek from the court a modification of the time or method of payment or service before a default occurred. It proposed to allow a court to modify its prior