

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.
Rep. Roger D. Frechette
Rep. Sharon Libby Jones
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Rep. Julie Ann O'Brien
Rep. James H. Tobin, Jr.

Staff:

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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).

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 1194**An Act Concerning Consecutive Sentencing**

ONTP

Sponsor(s)
OTTCommittee Report
ONTPAmendments Adopted

LD 1194 proposed to amend the Maine Criminal Code so that multiple sentences for murder and Class A, B and C crimes would be imposed consecutively absent a reason stated on the record. The bill also would have required the sentencing court to state its reasons on the record for imposing a concurrent sentence.

LD 1196**An Act to Amend the Victims' Rights Laws**

INDEF PP

Sponsor(s)
MCALEVEYCommittee Report
OTP-AMAmendments Adopted
H-691

LD 1196 proposed to amend the victims' rights laws to provide additional rights to the victim of a crime. It would have provided the victim the opportunity to participate at a hearing on a motion to revoke the defendant's probation and upon request at the sentencing hearing when the defendant had been convicted of a subsequent offense.

The bill would have required the attorney for the State to provide the victim with a pamphlet developed by the Office of the Attorney General explaining a victim's rights. The bill also would have required law enforcement officers to inform the victim of these rights.

The bill further proposed to require a judicial officer who set bail or released a defendant to notify the victim of a Class A, B, C or D crime involving a sexual act or contact, stalking or domestic violence unless the victim had requested not to be notified.

Committee Amendment "A" (H-691) proposed to eliminate from the bill the requirements that a law enforcement officer inform a victim of the victim's rights and that the prosecuting attorney distribute a pamphlet to the victim. The amendment also would have deleted the provision that authorized a victim to participate in sentencing proceedings when the same defendant was convicted of a subsequent offense.

The amendment proposed that, if a victim requested notification, a county jail would have to notify the victim when the defendant was released on preconviction or postconviction bail or any other pretrial release. The amendment also would have required that by January 1, 1998, all summonses include language informing the victim, if any, of the victim's right under the Maine Revised Statutes, section 1175 to receive notification of the defendant's release. The law enforcement agency issuing the summons would have had to provide the victim with a copy of the summons when it was practicable to do so. Finally, the amendment would have added a mandate preamble, an appropriation and a fiscal note to the bill.