

# 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  
Rep. Christopher T. Muse  
Rep. Michael J. McAlevey  
Rep. Judith B. Peavey  
Rep. Edgar Wheeler  
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Rep. James H. Tobin, 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 1205

**An Act to Amend Certain Provisions Regarding the Presumption of Negotiating a Worthless Instrument**

PUBLIC 253

Sponsor(s)  
JONES SL

Committee Report  
OTP-AM

Amendments Adopted  
H-342

LD 1205 proposed to change the law regarding negotiating a worthless instrument by creating the presumption that if an account were closed, the drawer intended to negotiate the worthless instrument. The bill also would have simplified the procedure by which the drawee could certify lack of funds or account of an instrument by signing a statement.

**Committee Amendment "A" (H-342)** proposed to change the law regarding the crime of negotiating a worthless instrument by creating a presumption that the content of the stamp or writing of the drawee on or accompanying a negotiable instrument is accurate. The amendment also would have made the stamp or writing of the drawee evidence admissible in any court in the State, unless the defendant requested at least 10 days before trial that the prosecution provide a qualified witness to testify as to why the instrument was not honored.

*Enacted law summary*

Public Law 1997, chapter 253 amends the law regarding negotiating a worthless instrument by creating a presumption that the content of the stamp or writing of the drawee on or accompanying a negotiable instrument is accurate. In other words, if the stamp states that the instrument was not honored because there were insufficient funds, then it is presumed that there were insufficient funds. Public Law 1997, chapter 253 is modeled after language in the civil evidentiary provisions regarding negotiable instruments in the Maine Revised Statutes, Title 11, section 3-1505.

Public Law 1997, chapter 253 also states that the stamp or writing of the drawee is evidence admissible in any court in the State, unless the defendant requests at least 10 days before trial that the prosecution provide a qualified witness to testify as to why the instrument was not honored.

**LD 1218**

**An Act to Expand the Harassment Laws**

PUBLIC 267

Sponsor(s)  
KILKELLY  
PEAVEY

Committee Report  
OTP-AM

Amendments Adopted  
S-185

LD 1218 proposed to prohibit an adult person in the custody or under the supervision of the Department of Corrections from harassing another person after having been forbidden to do so by the Commissioner of Corrections or the chief administrative officer of the facility housing the adult person or a sheriff, deputy sheriff, constable, police officer, justice of the peace or a court.

**Committee Amendment "A" (S-185)** proposed to eliminate the need for 2 new subsections and simply added to the list of persons in the Maine Revised Statutes, Title 17-A, section 506-A, subsection 1 who could forbid a person to engage in harassment. The amendment also proposed to add a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 267 prohibits an adult person in the custody or under the supervision of the Department of Corrections from harassing another person after having been forbidden to do so by the Commissioner of Corrections, the chief administrative officer of the facility or the regional correctional administrator.

**LD 1223                      An Act to Expand the Monitoring of the Conversations of Prisoners                      PUBLIC 361**

<u>Sponsor(s)</u> MURRAY POVICH		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-277
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LD 1223 proposed to allow the Department of Corrections to monitor the conversations of prisoners without requiring the department to have probable cause to believe that a party to a specific conversation was involved in a criminal offense.

**Committee Amendment "A" (S-277)** proposed to allow the counties, as well as the State, authority to monitor inmate conversations. The amendment proposed to require 3 types of notification to be used to inform inmates and recipients of telephone calls from inmates that their conversations are subject to monitoring.

***Enacted law summary***

Public Law 1997, chapter 361 allows counties and the State to monitor inmate conversations. County jails and state prisons must provide inmates with a written notification statement, a posted written notification next to every telephone and a recorded warning before every call that informs inmates and recipients of telephone calls from inmates that their conversations are subject to monitoring. Monitoring of all conversations of prisoners, except those involving attorney-client privilege, is permitted as in other jurisdictions in the United States.

**LD 1250                      An Act to Protect Private Communication                      ONTP**

<u>Sponsor(s)</u> VEDRAL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1250 proposed to expand the privacy laws by specifying that a person is guilty of violation of privacy if that person intentionally and without the consent of the person entitled to privacy in the communications listens to or records communications taking place over an electronic link. A violation of privacy would not occur if the person conducting the surveillance were doing so in the execution of a public duty in accordance with law.