

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:

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Sen. William B. O'Gara
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

This amendment also proposed to require the board to review the certification of all law enforcement and corrections officers on March 1st of every year, beginning in 1999. The board would have had to decertify those individuals who, upon review, did not meet certification or recertification requirements.

The amendment would have specified that the provision regarding the additional percentage of the Government Operations Surcharge Fund to be paid to the Maine Criminal Justice Academy would take effect January 1, 2001, or when the funding for the operation of the Judicial Department's computer system lapsed, whichever occurred first.

The amendment also proposed to add an appropriation section and a fiscal note to the bill.

See Committee Amendment "A" (H-750) to LD 1138, "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1997, June 30, 1998 and June 30, 1999," Part O, enacted as Public Law 1997, chapter 395, which adopted an amended version of the Criminal Justice Committee Amendment "A"(H-623). The changes that were incorporated into Committee Amendment "A" (H-750) to LD 1138 delay the duties of the board to coincide with the receipt of anticipated funds from the additional 2% surcharge on fines, forfeitures and penalties.

LD 1312 **An Act to Strengthen Parental Responsibility for Juveniles** **ONTP**

<u>Sponsor(s)</u> LINDAHL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1312 proposed to amend the Juvenile Code to allow a juvenile court to order a parent to pay support for a juvenile residing in the Maine Youth Center or a county jail. The bill further proposed to allow the court to order a juvenile found to have committed criminal mischief to write a formal apology to the victim, to write a report concerning the public property damage and to contribute in a variety of ways to the restoration of the property damaged or to restitution to the victim.

LD 1312 further proposed to allow the court to order a parent of a juvenile found to have committed criminal mischief to submit restitution up to \$10,000 to the victim if the juvenile were in the custody of and residing with the parent and if the court found that the criminal mischief were a direct result of the parent's failure to reasonably supervise and control the juvenile's conduct.

The bill proposed that a parent or person who knowingly contributes to the commission of a juvenile crime is guilty of a Class E crime.

LD 1324 **Resolve, to Establish a Commission to Review Sentencing Guidelines** **ONTP**

<u>Sponsor(s)</u> KONTOS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1324 was a concept draft pursuant to Joint Rule 208. The resolve proposed to establish a commission to evaluate and review sentencing guidelines to ensure that they are fair and reasonable.

LD 1354 **An Act to Transfer the Responsibility for the Certification of Battersers' Intervention Programs to the Department of Corrections** **PUBLIC 292**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PEAVEY KILKELLY	OTP-AM	H-406

LD 1354 proposed to transfer the responsibility for the certification of batterers' intervention programs from the Department of Public Safety to the Department of Corrections.

Committee Amendment "A" (H-406) proposed that rules adopted by the Department of Corrections pursuant to the batterers' intervention programs would be major substantive rules and proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 292 transfers the responsibility for the certification of batterers' intervention programs from the Department of Public Safety to the Department of Corrections.

LD 1396 **An Act to Provide for Shock Incarceration of Juveniles** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATERHOUSE BENOIT	ONTP	

LD 1396 proposed to establish the Shock Incarceration Program as a new sentencing alternative for juveniles who are 17 years of age. A person sentenced to the program would have had to complete the incarceration portion of the sentence in a facility providing intensive regimentation and discipline patterned after military basic training.

LD 1402 **An Act to Establish the Civil Violation of Creating a Police Standoff** **PUBLIC 426**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMKE	OTP-AM	H-470 H-676 POVICH

LD 1402 proposed to establish the civil offense of creating a police standoff. The bill would have required that restitution be made in an amount equal to the greater of \$500 or the direct costs incurred by the law enforcement agency or agencies that responded to the standoff.