

# 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](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:

<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 &amp; 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&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; 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

**Committee Amendment "A" (H-470)** replaced the bill. The amendment proposed to create the civil violation of creating a police standoff. The amendment would define "barricaded" for purposes of a standoff and give the court discretion to order a person who creates a police standoff to pay restitution to the responding agencies. The amendment also proposed to add a fiscal note.

**House Amendment "A" to Committee Amendment "A" (H-676)** proposed to clarify the definition of "barricaded."

*Enacted law summary*

Public Law 1997, chapter 426 creates the civil violation of creating a police standoff. Public Law 1997, chapter 426 allows the court to order a person who is guilty of creating a standoff to make restitution in an amount equal to the costs incurred by the agencies responding to the standoff or \$500, whichever is greater.

**LD 1407**                      **An Act to Make Habitual Truancy a Crime**                      **ONTP**

<u>Sponsor(s)</u> SAVAGE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1407 proposed to make habitual truancy involving willful and repeated absence from school or repeated violation of school rules and regulations a Class E crime. The bill also would have classified habitual truancy as a juvenile crime under the Maine Juvenile Code.

**LD 1434**                      **An Act to Prohibit a Person Whose License to Operate a Motor Vehicle Has Been Suspended from Operating an All-terrain Vehicle on Roads and Highways**                      **ONTP**

<u>Sponsor(s)</u> BENOIT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1434 proposed to prohibit a person whose license to operate a motor vehicle has been suspended by the Secretary of State or a court from operating an ATV on a controlled access highway or public way. A person who violated this prohibition would have been guilty of a Class E crime.

**LD 1438**                      **An Act to Increase the Penalty for Operating after License Suspension and under the Influence**                      **ONTP**

<u>Sponsor(s)</u> NUTTING MCKEE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1438 proposed to add the penalties of vehicle impoundment and forfeiture to a person who had 2 previous OUI offenses within a 10-year period and the penalty of vehicle forfeiture to a person who had a prior conviction of operating a motor vehicle while that person's license was suspended if that person were convicted again.

**LD 1467**                      **An Act to Amend the Law to Be Consistent with the Organizational Structure of the Department of Corrections and for Other Purposes**                      **PUBLIC 464**

<u>Sponsor(s)</u> POVICH MURRAY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-513
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LD 1467 proposed to do the following:

1. Eliminate remaining references to the director and division of Probation and Parole, pursuant to PL 1995, chapter 502;
2. Eliminate references to the Bureau of Juvenile Corrections, which was reorganized and is headed by the Associate Commissioner of Juvenile Services;
3. Delete all references to "entrustment" of juveniles and uses "aftercare" instead to refer to all services a juvenile receives after leaving the Maine Youth Center;
4. Provide that any challenge to the commissioner's decision to return a juvenile to the Maine Youth Center from aftercare status or an adult to a correctional facility from supervised community confinement is not a proper subject for post conviction review, and instead must go through an 80-C action (M.R. Civ. Pro. 80-C, "Review of Final Agency Action");
5. Make court review of out-of-home placement determination take place every 12 months pursuant to federal law;
6. Amend the Department of Corrections' confidentiality provision to facilitate receipt of federal funds;
7. Add the term "deduction" to prisoner disciplinary statute pursuant to changes in good time; and
8. Clarify that persons transferred to the Department of Corrections from a county jail are transferred to the department and not to a specific facility.

**Committee Amendment "A" (H-513)** proposed to clarify that a juvenile who, prior to sentencing, was detained in any state facility is entitled to receive a day-for-day reduction from the juvenile's total required term of imprisonment. The amendment also proposed to make technical changes and add a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 464 does the following:

1. Eliminates all remaining references to the director and division of Probation and Parole;
2. Eliminates references to the Bureau of Juvenile Corrections, which was reorganized and is headed by the Associate Commissioner of Juvenile Services;
3. Deletes all references to "entrustment" of juveniles and uses "aftercare" instead to refer to all services a juvenile receives after leaving the Maine Youth Center;
4. Provides that any challenge to the commissioner's decision to return a juvenile to the Maine Youth Center from aftercare status or an adult to a correctional facility from supervised community confinement is not a proper subject for post conviction review, and instead must go through an 80-C action (M.R. Civ. Pro. 80-C, "Review of Final Agency Action");