

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
118TH LEGISLATURE

SECOND REGULAR SESSION  
AND  
SECOND SPECIAL SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
CRIMINAL JUSTICE

MAY 1998

**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*

*Rep. Julie Ann O'Brien*

*Rep. James H. Tobin, Jr.*

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**ONE HUNDRED EIGHTEENTH LEGISLATURE  
SECOND REGULAR AND SECOND SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees  
May 1998**

We are pleased to provide this summary of bills that were considered by the Joint Standing Committees of the Maine Legislature. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. 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 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:

*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 Second Regular Session (unless otherwise specified in a particular law) is June 30, 1998 and July 9, 1998 for the Second Special Session. Second Special Session laws include Public Laws beginning with Chapter 718, Private and Special Laws beginning with Chapter 82 and Resolves beginning with Chapter 117.

**LD 1952**

**An Act to Increase Penalties for Certain Sex Offenders**

**ONTP**

<u>Sponsor(s)</u> GAGNON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1952 proposed to increase the penalties for a person convicted of gross sexual assault against a person who was less than 14 years of age at the time of the crime in the following ways:

1. Specify a mandatory sentence, similar to that now given for persons convicted of murder, of incarceration for at least 25 years and prohibit the sentencing court from suspending any part of the sentence;
2. Specify that the convicted person is ineligible for early release and prohibit deductions of time from the sentence of incarceration are not allowed because of "good time";
3. Specify that the convicted person is ineligible for work release programs and furloughs; and
4. Prohibit plea bargaining if the plea offered by the prosecuting attorney would result in the person charged with gross sexual assault being charged with a lesser offense or serving less than 25 years in prison.

**LD 1992**

**An Act Relating to Forfeited Firearms**

**ONTP**

<u>Sponsor(s)</u> POVICH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1992 proposed to authorize law enforcement agencies to auction firearms they have received under the forfeiture statute, Title 15, chapter 517, to federally licensed firearms' dealers. The bill also proposed to authorize the Attorney General to adopt and amend rules pursuant to the Maine Administrative Procedure Act, as the Attorney General considered necessary, governing the sale, use and disposal of abandoned and forfeited firearms and ammunition by law enforcement agencies.

**LD 1993**

**An Act to Require the Development of a Plan for the Recovery, Identification and Disposition of Human Remains in a Disaster**

**PUBLIC 580**

<u>Sponsor(s)</u> POVICH		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1993 proposed to direct the Director of the Maine Emergency Management Agency, in consultation with the Office of Chief Medical Examiner, to prepare a plan for the recovery, identification and disposition of human remains in a disaster.

***Enacted law summary***

Public Law 1997, chapter 580 requires the Director of the Maine Emergency Management Agency, with the Office of the Chief Medical Examiner, to prepare a plan for the recovery, identification and disposition of human remains in a disaster.

**LD 2022**                      **An Act to Make Corrections to the Laws Governing the Maine Bail Code**                      **PUBLIC 585  
EMERGENCY**

<u>Sponsor(s)</u> MURRAY POVICH		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-459
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LD 2022 proposed to make changes to the laws enacted by Public Law 1997, chapter 543 governing the Maine Bail Code to correctly reflect legislative intent.

**Committee Amendment "A" (S-459)** proposed to restore the definition of ensuring the integrity of the judicial process to the Maine Bail Code. The definition was inadvertently left out of the bill.

***Enacted law summary***

Public Law 1997, chapter 585 makes changes to the laws enacted by Public Law 1997, chapter 543 governing the Maine Bail Code to correctly reflect legislative intent.

**LD 2027**                      **An Act to Ensure Collection of Essential Data by the Department of Public Safety**                      **PUBLIC 608  
EMERGENCY**

<u>Sponsor(s)</u> MURRAY POVICH		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-478
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LD 2027 proposed to expand the list of individuals who are authorized to take blood samples for DNA analysis to include licensed practical nurses and other licensed medical personnel trained to take blood samples.

This bill also proposed to require a law enforcement agency that enters a report of a missing child in the State Police and National Crime Information computer systems to update the report within 60 days with medical and dental information.

**Committee Amendment "A" (S-478)** replaced the bill. The amendment proposed to do the following:

1. Add a mandate preamble, an emergency preamble and an emergency clause;
2. Specify that the DNA data base must be located at the Maine State Police Crime Laboratory or at State Police headquarters in Augusta;