

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

FIRST REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
CRIMINAL JUSTICE**

JULY 1999

MEMBERS:

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Sen. Paul T. Davis*

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ONE HUNDRED NINETEENTH LEGISLATURE
FIRST REGULAR SESSION

Summary Of Legislation Before The Joint Standing and Select Committees
August 1999

We are pleased to provide this summary of all bills that were considered by the Joint Standing and Select Committees of the Maine Legislature this past session. 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 and select committees.

The document is organized for convenient reference to information on bills considered by the 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).

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
ENACTMENT FAILED..... Bill failed to get vote required for enactment or final passage
NOT PROPERLY BEFORE THE BODY..... Ruled out of order by the presiding officers; bill died
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 September 18, 1999.

LD 436 proposed to allow appeals to the Commissioner of Public Safety of denials of concealed firearms permit applications. This bill also proposed to allow persons who are allowed to carry concealed firearms in other states to carry concealed firearms in this State without having to get a permit to do so in this State.

LD 454 **An Act to Establish the Crime of Rendering a Telephone Inoperable during a Domestic Violence Incident** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MUSE DOUGLASS		

LD 454 proposes to make it a Class D crime for a person committing domestic abuse to cause a telephone to be inoperable during the commission of that abuse.

This bill has been carried over to the Second Regular Session.

LD 457 **An Act to Increase the Sanctions for Criminal Mischief Within a Correctional Facility** **PUBLIC 458**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY FERGUSON	OTP-AM	H-149

LD 457 proposed to require a sentence for criminal mischief or any other crime involving damage or destruction of government property within a state or county correctional facility to be nonconcurrent with the offender's original sentence.

This bill was submitted on behalf of the Department of Corrections.

Committee Amendment "A" (H-149) proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 458 requires a sentence for criminal mischief or any other crime involving damage or destruction of government property within a state or county correctional facility to be nonconcurrent with the offender's original sentence.

LD 466 **An Act Concerning Payment of Medical Costs for Prisoners in County Correctional Facilities** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUGAY CASSIDY	ONTP	

LD 466 proposed to require the Department of Corrections to fully reimburse counties for costs incurred in providing medical care to prisoners who are held in county jails on state charges for more than 30 days for failure to make bail or pending trial or are held pending sentencing. The bill also proposed to allow counties to hold prisoners liable for the costs of medical treatment for medical conditions that existed before incarceration.

LD 474 An Act Relating to the Crime of Murder and to the Murder of Children CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON AHEARNE		

LD 474 proposes to make an assault of a child 4 years of age or younger that results in the child's death punishable as murder. Current law requires a sentence of imprisonment no less than 25 years for a conviction of murder. This bill has been carried over to the Second Regular Session.

LD 512 An Act to Increase the Length of Probation for a Person Convicted of Domestic Violence PUBLIC 492

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY	OTP-AM MAJ OTP-AM MAJ	H-451 S-427 MICHAUD

LD 512 proposed to allow the length of probation for a person convicted of a Class D or E crime involving domestic violence to be extended by up to one year beyond the period of probation if it is necessary for the person to complete a certified batterers' intervention program.

Committee Amendment "A" (H-451) proposed to replace the bill and was the majority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to specify that a person who is convicted of a Class D or Class E crime involving domestic violence must be sentenced to a period of probation of 2 years, except that the period of probation must be terminated when the person completes a certified batterers' intervention program. The amendment also proposed to add an appropriation section and a fiscal note to the bill.

Committee Amendment "B" (H-452) proposed to replace the bill and was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to specify that a person who is convicted of a Class D or Class E crime involving domestic violence must be sentenced to a period of probation of 2 years. The amendment also proposed to specify that the probationer complete a certified batterers' intervention program during the period of probation. The amendment also proposed to add an appropriation section and a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-427) proposed to remove the appropriation section that funded 4 new probation officers and their related costs.

Enacted law summary

Public Law 1999, chapter 492 requires that a person who is convicted of a Class D or Class E crime involving domestic violence must be sentenced to a period of probation of 2 years, except that the period of probation must be terminated when the person completes a certified batterers' intervention program.