

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 530

An Act to Require the State to Pay the Salaries of Sheriffs and County Jail Employees

ONTP

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

LD 530 proposed to require the Department of Corrections to pay the costs of salaries and expenses for county sheriffs, deputy sheriffs and jailers, masters or keepers and all subordinate assistants and employees of the county jails as agreed upon between the Department of Corrections and each county. The bill proposed that counties remain responsible for providing suitable office space. This arrangement is similar to that of the district attorneys, whose salaries and expenses are paid for through the Office of the Attorney General's budget but whose office space is provided for by the counties.

LD 532

An Act to Limit Children's Access to Firearms

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAND NORBERT	ONTP MAJ OTP-AM MIN	

LD 532 proposed to amend the endangering the welfare of a child law. The bill proposed to add to the types of endangerment storing a firearm that is not in a locked container or does not have a trigger lock device in a place where a child is likely to gain access to the firearm. The bill is based upon Child Access Prevention laws (CAP laws) that require adults to either store loaded guns in a place that is reasonably inaccessible to children or to use a device to lock the gun. CAP laws hold the adult owner criminally liable if a child obtains an improperly stored gun.

Committee Amendment "A" (S-208) proposed to amend the endangering the welfare of a child law and was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed that a person is guilty of endangering the welfare of a child if the person stores a loaded firearm in an unlocked container or without a trigger lock device and a child under 16 years of age gains access to the firearm without the permission of the child's parent or guardian. The amendment also proposed to add a fiscal note to the bill. This amendment was not adopted.

Committee Amendment "B" (S-209) proposed to replace the bill and was the second minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to require the Department of Public Safety to coordinate and implement a one-year media campaign, beginning September 30, 1999, of written and televised public service messages that warn the public of the danger of firearms and the importance of safely storing firearms to ensure that children do not have unsupervised access to firearms. The amendment also proposed to add an appropriation section and a fiscal note. This amendment was not adopted.

LD 546

An Act to Exempt Certain Law Enforcement Officers from the Full Course of Training at the Maine Criminal Justice Academy

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIEH PINGREE		

LD 546 proposes to exempt harbor masters and municipal shellfish conservation wardens from the full course of study at the Maine Criminal Justice Academy. It does not propose to exempt them from ongoing training requirements.

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

LD 550 **An Act to Ensure a Continuum of Proper Medical Care for Prisoners with Mental Disabilities or Mental Illness** **ONTP**

<u>Sponsor(s)</u> MACDOUGALL PARADIS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 550 proposed to prohibit a physician for the Department of Corrections from countermanding a prescription previously prescribed for a client with mental disabilities or mental illness without first consulting the physician who prescribed the medication unless there is an emergency.

LD 557 **An Act to Prohibit Surveillance of Dressing Rooms, Bathrooms and Similar Places** **PUBLIC 116**

<u>Sponsor(s)</u> O'BRIEN L		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-155
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LD 557 proposed that it is an invasion of a person's privacy to engage in surveillance of that person in a store dressing room.

Committee Amendment "A" (H-155) proposed to replace and retitle the bill. As proposed, the amendment clarified that "private place" for purposes of the crime of violation of privacy includes changing or dressing rooms, bathrooms and similar places. The amendment also proposed to add a fiscal note.

Enacted law summary

Public Law 1999, chapter 116 clarifies that "private place" for purposes of the crime of violation of privacy includes changing or dressing rooms, bathrooms and similar places.

LD 562 **An Act Concerning Consecutive Sentencing** **ONTP**

<u>Sponsor(s)</u> ANDREWS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 562 proposed to amend the Maine Criminal Code so that multiple sentences for murder and Class A, B and C crimes must be imposed consecutively absent a reason stated on the record. It further proposed to require that the court in sentencing state its reasons on the record for imposing a concurrent sentence.