

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**STATE OF MAINE  
119TH LEGISLATURE**

**SECOND REGULAR SESSION**

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

**JULY 2000**

**MEMBERS:**

*Sen. Robert E. Murray, Jr., Chair  
Sen. William B. O'Gara  
Sen. Paul T. Davis*

*Rep. Edward J. Povich, Chair  
Rep. Roger D. Frechette  
Rep. Christopher T. Muse  
Rep. Nancy L. Chizmar  
Rep. Michael W. Quint  
Rep. Michael J. McAlevey  
Rep. Judith B. Peavey  
Rep. Julie Ann O'Brien  
Rep. James H. Tobin, Jr.  
Rep. Roger L. Sherman*

**Staff:**

*Marion Hylan Barr, Legislative Analyst*

*Office of Policy and Legal Analysis  
13 State House Station  
Augusta, ME 04333  
(207)287-1670*



**Maine State Legislature**  
**OFFICE OF POLICY AND LEGAL ANALYSIS**

13 State House Station, Augusta, Maine 04333-0013  
Telephone: (207) 287-1670  
Fax: (207) 287-1275

**ONE HUNDRED NINETEENTH LEGISLATURE**  
**SECOND REGULAR SESSION**

***Summary Of Legislation Before The Joint Standing Committees***  
***July 2000***

We are pleased to provide this summary of 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](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  
NOT PROPERLY BEFORE THE BODY..... Ruled out of order by the presiding officers; bill died  
INDEF PP..... Bill Indefinitely Postponed  
ONT P..... 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 August 11, 2000.

*David E. Boulter, Director*  
Offices Located in the State House, Rooms 101 & 107

proposed to make changes to Titles 12 and 38 so that they reflect the amendments to the law enforcement training laws.

### ***Enacted law summary***

Public Law 1999, chapter 682 exempts municipal shellfish conservation wardens and harbor masters from the basic law enforcement training requirements under the Maine Revised Statutes, Title 25, section 2804-C. In addition to any other training that may be required by law, municipal shellfish conservation wardens and harbor masters who wish to make arrests or carry a firearm must successfully complete only the preservice law enforcement training requirements under Title 25, section 2804-B and the in-service law enforcement training requirements under Title 25, section 2804-E.

**LD 629**

### **Resolve, to Create a Seamless Treatment Plan for the Juvenile Offender with Substance Abuse Problems**

**RESOLVE 123  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAKER MURRAY	OTP-AM	H-851 S-743 MICHAUD

LD 629 proposed to direct the Department of Corrections and the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse to create, implement and operate a comprehensive substance abuse treatment program for juveniles. The bill proposed that the program include uniform clinical assessment of juveniles to identify substance abuse problems, to ensure access to a comprehensive substance abuse treatment program that facilitates participation of the juvenile and the juvenile's family and to provide a system to monitor treatment progress and a follow-through mechanism to ensure treatment completion. The bill proposed to require the Department of Corrections and the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse to prepare and present a proposal to implement and fund a comprehensive substance abuse treatment program to the Joint Standing Committee on Criminal Justice by May 1, 1999. The bill proposed that the proposal include funding for at least 9 Regional Treatment Alternative to Street Crime Substance Abuse Managers who must be contracted with community treatment agencies. The bill also proposed to require that the proposal include a plan to make annual reports to the Joint Standing Committee on Criminal Justice regarding the progress of juvenile substance abuse treatment programs.

**Committee Amendment "A" (H-851)** proposed to direct the Department of Corrections and the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse to continue to develop and implement a comprehensive substance abuse treatment program for juveniles committed to the Department of Corrections' custody. The amendment proposed that the program include screening, assessment and treatment for all juveniles committed to a juvenile correctional facility, 4 regional treatment networks, a targeted capacity expansion program and 5 juvenile drug treatment courts. The amendment proposed that the program facilitate participation of the juvenile and the juvenile's family and provide a system to monitor treatment progress and completion.

The amendment also proposed to require that the Department of Corrections and the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse report annually by March 1st their progress in implementing and funding the comprehensive substance abuse treatment program to the joint standing committee of the Legislature having jurisdiction over juvenile justice issues.

The amendment also proposed to add a fiscal note.

**Senate Amendment "A" to Committee Amendment "A" (S-743)** proposed to replace Committee Amendment "A" (H-851). The amendment proposed to change the bill to a resolve and incorporate the treatment program requirements in Committee Amendment "A" (H-851) and require that the Department of Corrections and the Department of Mental Health, Mental Retardation and Substance Abuse Services submit a proposal that includes annual reports to the joint standing committee of the Legislature having jurisdiction over juvenile justice matters. The amendment also proposed to remove direct references to funding in the fiscal note.

***Enacted law summary***

Resolve 1999, chapter 123 directs the Department of Corrections and the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse to continue to develop a comprehensive substance abuse treatment program for juveniles. The program must include uniform clinical assessment and treatment for all juveniles committed to a juvenile correctional facility, 4 regional treatment networks, a targeted expansion program and 5 juvenile drug treatment courts. The program also must facilitate participation of the juvenile and the juvenile's family, provide a system to monitor treatment progress and a follow-through mechanism to ensure treatment completion.

Resolve 1999, chapter 123 requires the Department of Corrections and the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse to prepare and present a proposal to implement and fund a comprehensive substance abuse treatment program for juveniles to the joint standing committee having jurisdiction over juvenile justice matters by December 6, 2000. The proposal must include a plan to make annual reports to the joint standing committee having jurisdiction over juvenile justice matters regarding the progress of juvenile substance abuse treatment programs.

Resolve 1999, chapter 123 was finally passed as an emergency measure effective May 8, 2000.

**LD 637**

**An Act to Amend the Law Enforcement Officer Certification Standards**

**PUBLIC 630**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURRAY MCALEVEY	OTP-AM	S-578

LD 637 proposed to delete references to training standards for part-time and full-time law enforcement officers approved by the Board of Trustees of the Maine Criminal Justice Academy. This bill proposed to require levels of certification to be based on the officer's demonstration of having acquired specific knowledge and skills directly related to job performance rather than full-time or part-time employment.

The bill proposed to implement in statute the proposed training and certification requirements in LD 2628, Resolve, Regarding Legislative Review of Certification of Law Enforcement Officers, a Major Substantive Rule of the Maine Criminal Justice Academy.