

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**

FIRST REGULAR SESSION

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

JULY 1999

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
Room 101/107/135, 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
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.

Committee Amendment "A" (H-152) proposed that teachers or other educational personnel required to have fingerprints taken pursuant to the Maine Revised Statutes, Title 20-A, section 6103 may request that those fingerprints be removed from the State Bureau of Identification's file if the requester's certification, authorization or approval has expired and the requester has not applied for renewal. As proposed, upon receiving the request, the State Bureau of Identification shall remove the fingerprints from the file. The amendment also proposed to clarify that the applicant or any other entity required by law is responsible for paying a one-time \$25 processing fee when the Department of Public Safety takes the applicant's fingerprints. The fee is used to offset the department's costs. The amendment also proposed to add an allocation section and a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 110 amends the fingerprinting process currently provided for teachers and educational personnel in the Maine Revised Statutes, Title 20-A, section 6103, subsection 6 as follows:

1. Places the responsibility for the taking of fingerprints for applicants solely upon the Maine State Police;
2. Removes the responsibility from the applicant to forward the fingerprints to the Department of Education and instead require the Maine State Police to forward the prints to the State Bureau of Identification;
3. Makes fingerprinting by the Maine State Police contingent upon payment of the necessary expenses by the applicant;
4. Eliminates the requirement that two fingerprint cards be prepared;
5. Identifies the expenses to be borne by the applicant;
6. Amends the fingerprinting provisions of Title 25, section 1542-A to accommodate the changes to Title 20-A, section 6103, subsections 4 and 6;
7. Specifies that teachers or other educational personnel required to have fingerprints taken pursuant to the Maine Revised Statutes, Title 20-A, section 6103 may request that those fingerprints be removed from the State Bureau of Identification's file if the requester's certification, authorization or approval has expired and the requester has not applied for renewal; and
8. Clarifies that the applicant or any other entity required by law is responsible for paying a one-time \$25 processing fee when the Department of Public Safety takes the applicant's fingerprints.

Public Law 1999, chapter 110 was enacted as an emergency measure effective May 3, 1999.

LD 761

An Act to Improve the Collection of Restitution

PUBLIC 469

Sponsor(s)
MURRAY

Committee Report
OTP-AM

Amendments Adopted
H-763 PEAVEY
S-67

LD 761 proposed to amend existing state laws to enable the Department of Corrections to more efficiently collect and disburse court-ordered restitution to crime victims.

The bill also proposed to reduce the amount of interest going to the General Fund, therefore reducing General Fund revenue by \$50,000 each fiscal year.

Committee Amendment "A" (S-67) proposed to remove the provision that would allow restitution of missing and deceased victims to be placed in the Victims' Compensation Fund and replace it with a provision that would require the restitution of deceased victims be forwarded to the estate of the victim. The amendment proposed to limit to June 30, 2002 the period of time that interest on restitution may be placed in the Other Special Revenue Account within the Department of Corrections and that the position to administer the collection of restitution is funded. The amendment also proposed to add a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-86) proposed to strike the provision in the committee amendment that would allow the office of a prosecuting attorney to request that the Department of Corrections direct compensation to the office of a prosecuting attorney for disbursement to victims. The amendment also proposed to clarify that the Department of Corrections may hire an additional Victim Services Representative, instead of an Account Clerk I.

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

Enacted law summary

Public Law 1999, chapter 469 does the following:

1. Allows the Department of Corrections to more efficiently collect and disburse court-ordered restitution to crime victims;
2. Requires that interest accrued on restitution collected be deposited into the Other Special Revenue - Administration account within the Department of Corrections, which will reduce General Fund revenues by \$50,000;
3. Requires that income withholding orders be used to collect restitution from offenders who will not be incarcerated;
4. Specifies that if a victim dies or cannot be located, an offender's obligation to pay restitution is not affected. Restitution of a deceased victim must be forwarded to the estate of the victim; and
5. Limits to June 30, 2002 the period of time that interest on restitution may be placed in the Other Special Revenue Account within the Department of Corrections and that the position to administer the collection of restitution is funded.

LD 765

An Act to Make Materiality a Jury Issue Relative to the Crime of Perjury

PUBLIC 13

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 765 proposed to remove the current directive that the trial court rather than the jury determine the materiality question. Since "materiality" is an element of the crime of perjury as legally defined, a defendant has the constitutional right to have the jury rather than the trial court determine the question of materiality. United States v. Gaudin, 515 U. S. 506 (1995).

This bill was submitted on behalf of the Criminal Law Advisory Commission.

Enacted law summary