

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:

*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
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Rep. Roger L. Sherman*

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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.

Sponsor(s)Committee Report
OTPAmendments Adopted

LD 791 proposed to remove the sentencing alternative of unconditional discharge from the Maine Revised Statutes, Title 17-A, chapter 49, section 1201 of the Criminal Code and give it unique treatment in new chapter 54-D, section 1346. It additionally proposed to make clear relative to this punishment alternative that it is to be imposed only when no other authorized sentencing alternative is found appropriate to be imposed by a sentencing court. Under current law, unconditional discharge is treated solely as an alternative to a sentencing alternative involving probation. Further, this bill proposed to address directly the currently authorized sentencing alternative of a wholly suspended term of imprisonment with probation by creating a new section 1203-C. (See section 1152, subsection 2, paragraph D.) Currently, this sentencing alternative is implicit in chapter 49. It also proposed to make a nonsubstantive change to section 1203, subsection 1 to conform it to new section 1203-C. Finally, this bill proposed to eliminate from section 1201 the current prohibition against the use of a sentencing alternative involving probation in the event the person to be sentenced poses a significant risk of further criminal activity while on probation.

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

Enacted law summary

Public Law 1999, chapter 24 does the following:

1. Removes the sentencing alternative of unconditional discharge from the Maine Revised Statutes, Title 17-A, chapter 49, section 1201 of the Criminal Code and places it in new chapter 54-D, section 1346;
2. Makes clear that unconditional discharge is to be imposed only when no other authorized sentencing alternative is found appropriate to be imposed by a sentencing court. Under current law, unconditional discharge is treated solely as an alternative to a sentencing alternative involving probation;
3. Addresses directly the currently authorized sentencing alternative of a wholly suspended term of imprisonment with probation by creating a new section 1203-C. (See section 1152, subsection 2, paragraph D.) Currently, this sentencing alternative is implicit in chapter 49;
4. Makes a nonsubstantive change to section 1203, subsection 1 to conform it to new section 1203-C; and
5. Eliminates from section 1201 the current prohibition against the use of a sentencing alternative involving probation in the event the person to be sentenced poses a significant risk of further criminal activity while on probation.

Sponsor(s)
MCALEVEYCommittee Report
OTPAmendments Adopted

LD 811 proposed to leave to the discretion of the court whether to order certain juvenile sex offenders to undergo the required diagnostic evaluation at a detention facility and change the circumstances under which a court may order a juvenile to undergo a diagnostic evaluation at a detention facility to include that the facility is one in which the juvenile may otherwise be detained.