

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

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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.

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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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.

<u>Sponsor(s)</u> MCALEVEY	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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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.

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

Enacted law summary

Public Law 1999, chapter 65 leaves to the discretion of the court whether to order certain juvenile sex offenders to undergo the required diagnostic evaluation at a detention facility and changes the circumstances under which a court may order a juvenile to undergo a diagnostic evaluation at a detention facility.

LD 812 An Act to Allow the State Police to Accept Revenue for Providing PUBLIC 111
Services to Municipalities and Counties

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POVICH DAVIS P	OTP-AM	H-180

LD 812 proposed to allow the State Police to charge municipalities and counties for services provided to the municipalities or counties. The bill proposed that the revenue received be used to fund the cost of providing the services.

This bill was submitted on behalf of the Department of Public Safety.

Committee Amendment "A" (H-180) proposed to replace the bill. The amendment proposed to add provisions dealing with radio communications and dispatch services to the current statutes dealing with law enforcement telecommunications systems. Specifically, the amendment proposed to allow the State Police, at the request of a federal agency, state department and agency, municipality or county to provide radio communications and dispatch services. As proposed, revenue received for providing these services, as well as telecommunications services, must be allocated for the purpose of funding the cost of providing the services. The amendment proposed that current law enforcement telecommunications systems are criminal justice telecommunications systems. The amendment also proposed to make technical changes and add a fiscal note.

Enacted law summary

Public Law 1999, chapter 111 adds provisions dealing with radio communications and dispatch services to the current statutes dealing with law enforcement telecommunications systems. Specifically, PL 1999, chapter 111 allows the State Police, at the request of a federal agency, state department and agency, municipality or county to provide radio communications and dispatch services. Revenue received for providing these services, as well as telecommunications services, must be allocated for the purpose of funding the cost of providing the services.

LD 839 An Act to Ensure Proper Identification of Nonresident Concealed ONTP
Firearms Permit Applicants

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

LD 839 proposed to require a nonresident applicant for a concealed firearms permit to submit fingerprints at a location in the State and at a time specified by the Chief of the State Police for the purpose of conducting fingerprint-based state and national criminal record information checks.