

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
ONT P.....	Ought Not To Pass report accepted
OT P ND.....	Committee report Ought To Pass In New Draft
OT P 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.

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.

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

LD 856

**Resolve, Establishing the Commission to Study the Educational Needs of
Offenders in the State's Correctional System**

**DIED IN
CONCURRENCE**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAKER PARADIS	OTP-AM	H-299

LD 856 proposed to require the Commissioner of Corrections to develop and implement a mandatory educational program for all prisoners. As proposed, prisoners who are not exempt must participate in the mandatory educational program, whose standard is the attainment of a General Education Diploma or a verified high school diploma. The bill proposed to require that the commissioner report annually to the joint standing committee of the Legislature having jurisdiction over criminal justice matters. The report would include an overview of the department's current educational programs, the participation rate of prisoners and resource needs. The bill also proposed to require that the commissioner adopt routine technical rules for the implementation and review of mandatory educational programs for prisoners and for addressing prisoners' failure to participate in the mandatory educational programs.

Committee Amendment "A" (H-299) proposed to replace the title and the bill with a resolve to create a commission to develop a plan to assess the correctional system's ability to meet the educational and vocational needs of offenders who are within the State's correctional facilities and under community supervision. As proposed, the commission's duties also include identifying the special needs and learning requirements of offenders within the State's correctional facilities; the skills and abilities necessary to ensure a successful transition to family, work force and community; and the community services necessary to support offenders under community supervision. The amendment proposed to require that the commission collect and analyze information regarding the educational levels and needs of offenders in the State's correctional facilities, review research on effective correctional educational practices; evaluate the current and potential use of technology in delivering educational programs and identify resources necessary to carry out any recommendations. In doing its work, the commission could consult with other state departments, persons representing associations concerned with learning disabilities and family literacy, law enforcement agencies and persons providing probation services. The amendment proposed to require that the commission report its recommendations to the Joint Standing Committee on Criminal Justice by January 15, 2000.

The amendment also proposed to add an appropriation section and a fiscal note.

LD 861

**An Act to Create a Seamless Treatment Plan for the Adult Offender with
Substance Abuse Problems**

**P & S 35
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAKER MILLS	OTP-AM	H-82

LD 861 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 program for prisoners. As proposed, the program must include uniform clinical assessment of prisoners to identify substance abuse problems, to ensure access to a comprehensive substance abuse treatment program that facilitates participation of the prisoner and the prisoner's family, to provide a system to monitor treatment progress and a follow-through mechanism to ensure treatment completion.