

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.

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> BAKER PARADIS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> 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> BAKER MILLS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> 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.

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 the comprehensive substance abuse treatment program to the Joint Standing Committee on Criminal Justice by May 1, 1999. The bill also proposed to require the proposal to include a plan to make annual reports to the Joint Standing Committee on Criminal Justice with a summary regarding the progress of substance abuse treatment programs.

The bill also proposed to direct county jail administrators and the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse to create, implement and operate the same type of comprehensive substance abuse program for inmates in county jails. As proposed, county jail administrators and the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse also must report to the Joint Standing Committee on Criminal Justice regarding the progress of substance abuse treatment programs.

Committee Amendment "A" (H-82) proposed to strike the provisions that require the county jails, with the help of the Office of Substance Abuse, to create, implement and operate comprehensive substance abuse treatment plans. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Private and Special Law 1999, chapter 35 directs 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. 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.

Private and Special Law 1999, chapter 35 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 the comprehensive substance abuse treatment program to the Joint Standing Committee on Criminal Justice by May 1, 1999. Private and Special 1999, chapter 35 also requires the proposal to include a plan to make annual reports to the Joint Standing Committee on Criminal Justice with a summary regarding the progress of substance abuse treatment programs.

Private and Special Law 1999, chapter 35 also directs county jail administrators and the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse to create, implement and operate the same type of comprehensive substance abuse program for inmates in county jails. County jail administrators and the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse also must report to the Joint Standing Committee on Criminal Justice regarding the progress of substance abuse treatment programs.

Private and Special Law 1999, chapter 35 was enacted as an emergency measure effective June 10, 1999.

LD 877

An Act to Clarify Public Nuisance Descriptions

ONTP

Sponsor(s)
COLWELL
GOLDTHWAIT

Committee Report
ONTP

Amendments Adopted

LD 877 proposed to clarify that automobile graveyards are a public nuisance and that a person who establishes, operates or maintains an automobile graveyard without a permit commits a Class E crime.