

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
119TH LEGISLATURE**

**SECOND REGULAR SESSION**

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

**JULY 2000**

**Staff:**  
*Marion Hylan Barr, Legislative Analyst*

*Office of Policy and Legal Analysis  
13 State House Station  
Augusta, ME 04333  
(207)287-1670*

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**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**  
**SECOND REGULAR SESSION**

**Summary Of Legislation Before The Joint Standing Committees**  
**July 2000**

We are pleased to provide this summary of 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](http://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:

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  
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE..... Emergency bill failed to get 2/3 vote  
FAILED ENACTMENT/FINAL PASSAGE..... Bill failed to get majority vote  
FAILED MANDATE ENACTMENT..... Bill imposing local mandate failed to get 2/3 vote  
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 Second Regular Session (unless otherwise specified in a particular law) is August 11, 2000.

*David E. Boulter, Director*  
Offices Located in the State House, Rooms 101 & 107

**Senate Amendment "A" to Committee Amendment "A" (S-744)** proposed to implement the same provisions as House Amendment "A" to Committee Amendment "A" (H-1173). This amendment was not adopted.

***Enacted law summary***

Public Law 1999, chapter 764 requires that by January 1, 2003, all persons whose job description includes operating an ambulance in an emergency mode or transporting a patient must possess certification of successful completion of a basic ambulance vehicle operator course or a course that has been approved by the Emergency Medical Services' Board as an equivalent. Public Law 1999, chapter 764 specifies that a person whose job description includes operating an ambulance in an emergency mode or transporting a patient who successfully completes a basic ambulance vehicle operator course may apply to the Emergency Services' Board for reimbursement for the cost of the course.

Public Law 1999, chapter 764 directs the Department of Public Safety, Maine Emergency Medical Services to set up a pilot project to develop a plan for implementation of the ambulance operator training requirements and report to the joint standing committee of the Legislature having jurisdiction over public safety matters by January 1, 2001. The committee may introduce legislation following receipt of the report. Public Law 1999, chapter 764 creates a one-time appropriation of funds for a consultant for the pilot project.

**LD 903**

**An Act to Amend the Concealed Weapons Permit Laws**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHEELER E	ONTP	

LD 903 proposed to make the following changes to the chapter regarding permits to carry concealed firearms:

1. Specify that the only issuing authorities for permits are a full-time chief of police for legal residents of a municipality and the Chief of the State Police for all others;
2. Clarify that an issuing authority verify information about an applicant and ensure all criteria are satisfied before issuing a permit to an applicant;
3. Require an applicant for a permit to be at least 21 years of age;
4. Require an applicant for a permit to be photographed and for any permit issued to include that photograph;
5. Require an applicant for a permit to submit to a criminal history record check;
6. Repeal the provisions regarding permit renewals;
7. Increase the permit fee to \$45 for legal residents and private investigators licensed in the State and \$75 for nonresidents;

8. Clarify that the Attorney General shall develop all forms for the Chief of the State Police and forms for police chiefs that are necessary for the permitting process and that those issuing authorities shall provide and use only those forms;
9. Lengthen the term of a permit from 4 years to 5 years; and
10. Clarify that a person may not carry a concealed firearm without having the permit in that permit holder's immediate possession and that the permit holder may not fail to display the permit holder's permit to a law enforcement officer upon that officer's demand. As proposed, a person who violated these provisions would commit a civil violation.

**LD 1095**                      **An Act to Expand the Geographic Availability of the Supervised Community Confinement Program**                      **ONTP**

<u>Sponsor(s)</u> SIROIS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1095 proposed to require that the Commissioner of Corrections ensure that the supervised community confinement program is operational in all geographic regions of the State.

**LD 1202**                      **An Act to Ensure Just Sentences**                      **ONTP**

<u>Sponsor(s)</u> MILLS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1202 proposed to amend the mandatory minimum sentence for the crime of murder to accommodate the substantial reduction in earned good time and meritorious good time effective October 1, 1995. The 1995 amendment required that the parties and the sentencing courts adjust their sentencing recommendations and practices to accommodate the increase in the actual period of incarceration resulting from the significant decrease in good time. In the case of 25-year minimum sentences, such an adjustment is not possible. This bill proposed to partially address this inequity by reducing the minimum mandatory sentence to 20 years.

Secondly, this bill proposed to provide a "safety valve" for sentencing courts in cases where a mandatory minimum sentence would result in substantial injustice and a frustration of the general purposes of sentencing as outlined in the Maine Criminal Code. The bill proposed to allow the court to take into consideration documented evidence of severe hardship to the offender as well as the wishes of the victim.

Finally, this bill proposed to remove mandatory minimum sentences for the crime of aggravated trafficking or furnishing scheduled drugs.