

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:

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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>	<u>Amendments Adopted</u>
WHEELER E		

LD 903 proposes 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 and increases the permit fee to \$45 for legal residents and private investigators licensed in the State and \$75 for nonresidents;
7. 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;
8. Lengthen the term of a permit from 4 years to 5 years; and
9. 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. A person who violates these provisions commits a civil violation.

This bill has been carried over to the Second Regular Session.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TOBIN J DAVIS P	ONTP	

LD 936 proposed to amend the Maine Bail Code as follows:

1. Amend the definitions of the terms "bail" and "ensure the integrity of the judicial process;"
2. Change the standards for release of a defendant in custody for a crime bailable as of right preconviction;
3. Provide that a judicial officer may not order the pretrial release of a defendant on personal recognizance or upon execution of an unsecured appearance bond on new criminal conduct if the defendant has pending criminal charges;

4. List criteria for a judicial officer to consider in determining whether the pretrial release of a defendant on personal recognizance or an unsecured appearance bond is appropriate;
5. Provide that a judicial officer may not order the defendant released on personal recognizance or unsecured appearance bond if the defendant's crime is serious or the judicial officer finds the defendant's criminal record inappropriate for granting the defendant release on personal recognizance or unsecured appearance bond;
6. Repeal the provision that permits the Superior Court to make a de novo determination of the refusal of a judge of the District Court or a bail commissioner acting under the Maine Revised Statutes, Title 15, section 1026 to authorize the defendant's release on personal recognizance or on the execution of an unsecured appearance bond and replace it with a provision that permits a defendant to appeal to the Superior Court to review whether the District Court or bail commissioner abused the court's or commissioner's discretion in setting the bail;
7. Provide that for a defendant in custody, an appeal hearing must be scheduled within 96 hours of the filing of the appeal;
8. Provide that a surety for a defendant admitted to bail is responsible for the appearance of the defendant at all times, the defendant's compliance with the conditions of release and ensuring that the defendant refrains from engaging in new criminal conduct; and
9. Change the standards for determining whether to release a person on bail in connection with probation revocation proceedings and provide that bail is not available to any person pending the appeal of a revocation of probation pursuant to Title 17-A, section 1207.

LD 961

An Act to Strengthen the State's Drug Laws

PUBLIC 417

<u>Sponsor(s)</u> SCHNEIDER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-454
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LD 961 proposed to amend the definition of aggravated trafficking or furnishing scheduled drugs to include: furnishing a scheduled drug while on a school bus or within 1,000 feet of an elementary or secondary school; using a person under the age of 18 to furnish or traffick in a scheduled drug; and whenever serious bodily injury or death results to another person as a result of the furnishing or trafficking.

Committee Amendment "A" (H-454) proposed to delete language that would have amended the definition of aggravated trafficking and furnishing to include whenever serious bodily injury or death results to another person as a result of the furnishing or trafficking. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 417 amends the definition of aggravated trafficking or furnishing scheduled drugs to include furnishing a scheduled drug while on a school bus or within 1,000 feet of an elementary or secondary school and using a person under the age of 18 to furnish or traffick in a scheduled drug.

Note: LD 2255, An Act to Make Corrections to Laws Recently Enacted by the 119th Legislature, Public Law 1999, chapter 531 corrects conflicts that were created when P. L. 1999, c. 417 and other drug laws were enacted simultaneously.