

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. William B. O'Gara
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.

LD 1021

An Act to Allow a Movie Rental Company Restitution if a Person Fails to Return a Movie

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK MICHAUD	ONTP	

LD 1021 proposed to require a person convicted of theft, when the property is a movie or video rental, to pay restitution to the owner in the amount equal to the revenue lost by the owner due to the absence of the property for rental purposes plus expenses.

LD 1044

An Act to Require Notification by Law Enforcement Officers Before Tape-recording Certain Conversations

ONTP

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

LD 1044 proposed to amend the law regarding interception of wire and oral communications by requiring both a law enforcement officer and the person with whom the law enforcement officer is communicating to agree to the recording of their communication. As proposed, both the law enforcement officer and the other person also have to agree to allow another party to listen to their recorded communication. As proposed, these requirements would not apply when the law enforcement officer was working undercover.

LD 1075

An Act to Continue Restorative Justice

**PUBLIC 167
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURRAY POVICH	OTP MAJ OTP-AM MIN	

Current law proposed to repeal state laws establishing community resolution teams for juvenile offenders and community reparation boards for adult offenders as restorative justice sentencing alternatives on May 1, 1999. LD 1075 proposed to continue these sentencing alternatives.

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

Committee Amendment "A" (S-69) was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to appropriate funding for 25 new probation officers whose duties would be to ensure the implementation of restorative justice. The amendment also proposed to add a fiscal note. This amendment was not adopted.

Enacted law summary

Public Law 1999, chapter 167 repeals the provision that would have repealed community resolution teams and community reparation boards.

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

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

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

LD 1096 **An Act to Make Schools Safer** **INDEF PP**

<u>Sponsor(s)</u> COLWELL		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1096 proposed to increase the penalty for assault, criminal threatening and terrorizing from a Class D crime to a Class C crime and criminal trespass from a Class E crime to a Class D crime if any of the offenses occur on school grounds. This bill was not referred to committee.

LD 1140 **An Act to Protect Cemeteries** **ONTP**

<u>Sponsor(s)</u> SNOWE-MELLO DAVIS P		<u>Committee Report</u> ONTP MAJ OTP MIN		<u>Amendments Adopted</u>
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LD 1140 proposed to require a mandatory minimum sentence for a person convicted of vandalizing a cemetery. As proposed, if the violator is a minor, the court must require the violator or the violator's family to pay restitution and require the violator to perform eight hours of community service per week for the cemetery for two consecutive summers following the conviction; if the violator is an adult, the court must require the violator to pay restitution and to perform five hours of community service for the cemetery per week for one year.

LD 1145 **An Act to Increase the Penalties for Persons in Possession of Crack Cocaine in Conformity with the Penalties for Similarly Dangerous Drugs** **ONTP**