

# 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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Rep. Christopher T. Muse  
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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](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:

*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 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**

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

LD 1145 proposed to increase the penalty for possession of crack cocaine in conformity with the penalties for similarly dangerous drugs. This bill was the recommendation of the Office of the Attorney General.

**LD 1153**                      **An Act to Require Counties to be Reimbursed 100% for all Prisoners Incarcerated in Jail From Other Jurisdictions From Arrival Until Departure**                      **ONTP**

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

LD 1153 proposed to require the Department of Corrections to reimburse in full a county for the costs that county incurs boarding a prisoner from another jurisdiction in its jail.

**LD 1202**                      **An Act to Ensure Just Sentences**                      **CARRIED OVER**

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

LD 1202 proposes 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 proposes to partially address this inequity by reducing the minimum mandatory sentence to 20 years.

LD 1202 proposes 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 proposes 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, LD 1202 proposes to remove mandatory minimum sentences for the crime of aggravated trafficking or furnishing scheduled drugs.

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

**LD 1220**                      **An Act to Provide for Resident State Police Officers for Municipalities Without a Police Force**                      **PUBLIC 119**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK	OTP-AM	H-153

LD 1220 proposed to allow a municipality without an organized police department to contract with the Bureau of the State Police to have a state police officer specifically assigned to provide police services to the municipality. As proposed, the municipality must pay the expense of providing the assigned state police officer.