

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

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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>
TUTTLE	OTP-AM	H-151

LD 1386 proposed to direct the Department of Public Safety, Bureau of State Police to develop and implement a police cadet program for youth who have graduated from high school or have a General Equivalency Diploma.

Committee Amendment "A" (H-151) proposed to replace the title and the resolve. The amendment proposed to expand the scope of planning and potential implementation for the police cadet program to include the entire Department of Public Safety; other state law enforcement agencies, including the Department of Inland Fisheries and Wildlife, the Department of Marine Resources and the Department of Conservation; municipal law enforcement agencies; and county law enforcement agencies. The amendment also proposed to direct the law enforcement agencies to work with the University of Maine at Augusta and direct the Department of Public Safety to coordinate reporting to the Joint Standing Committee on Criminal Justice. The amendment also proposed to add a fiscal note to the resolve.

Enacted law summary

Resolve 1999, chapter 58 directs the following entities to develop and implement a police cadet program: the Department of Public Safety; other state law enforcement agencies, including the Department of Inland Fisheries and Wildlife, the Department of Marine Resources and the Department of Conservation; municipal law enforcement agencies; and county law enforcement agencies. Resolve 1999, chapter 58 directs the law enforcement agencies to work with the University of Maine at Augusta and directs the Department of Public Safety to coordinate reporting to the Joint Standing Committee on Criminal Justice.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POVICH	OTP-AM	H-428 H-475 CAMERON

Part A of LD 1400 proposed to amend the juvenile corrections laws to:

1. Require prosecutors to effect detention placement within 12 hours following arrest just as is now required of juvenile careworkers;
2. Specify that a conditional release becomes unconditional if report of notification is not filed by police within the 24 hours mandated by present law;
3. Clarify that a juvenile caseworker may decide that ongoing supervision of a juvenile is not required;
4. Eliminate administrative preliminary hearings and require court detention hearings to determine probable cause for probation revocation; and
5. Eliminate the age restriction on juveniles who may be detained at the Northern Maine Regional Juvenile Detention Facility so that it like the Maine Youth Center may be used to detain younger juveniles for whom there is no other alternative.

Part B of the bill proposed to establish the State Bureau of Identification of the Department of Public Safety as the central repository for juvenile crime information.

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

Committee Amendment "A" (H-428) proposed to do the following:

1. Clarify that juvenile caseworkers are responsible for detention placement;
2. Allow juvenile caseworkers to review conditions imposed on a juvenile and lessen or eliminate the conditions if the law enforcement report for the incident is not filed within 15 days;
3. Permit juvenile caseworkers to disclose the identities of juveniles on conditional release or informal adjustment to criminal justice agencies for the purpose of administration of juvenile criminal justice;
4. Change from 48 hours to 24 hours the time a detention hearing must be held after a juvenile is placed in a secure detention facility, which is consistent with federal requirements; and add a mandate preamble and a fiscal note to the bill.

House Amendment "A" (H-475) This amendment was presented on behalf of the Committee on Bills in the Second Reading and proposed to prevent a statutory conflict by incorporating a change made to the Maine Revised Statutes, Title 25, section 1542-A, subsection 1, paragraphs F and G; subsection 3, paragraph F; subsection 4; and subsection 8 in Public Law 1999, chapter 110.

Enacted law summary

Public Law 1999, chapter 260 has two parts.

Part A amends the juvenile corrections laws to:

1. Require prosecutors to effect detention placement within 12 hours following arrest just as is now required of juvenile careworkers and to clarify that juvenile caseworkers are responsible for that placement;
2. Allow juvenile caseworkers to review conditions imposed on a juvenile and lessen or eliminate the conditions if the law enforcement report for the incident is not filed within 15 days;
3. Clarify that a juvenile caseworker may decide that ongoing supervision of a juvenile is not required;
4. Eliminate administrative preliminary hearings and require court detention hearings to determine probable cause for probation revocation;
5. Eliminate the age restriction on juveniles who may be detained at the Northern Maine Regional Juvenile Detention Facility so that it like the Maine Youth Center may be used to detain younger juveniles for whom there is no other alternative;
6. Permit juvenile caseworkers to disclose the identities of juveniles on conditional release or informal adjustment to criminal justice agencies for the purpose of administration of juvenile criminal justice; and
7. Change from 48 hours to 24 hours the time a detention hearing must be held after a juvenile is placed in a secure detention facility. This is consistent with federal requirements.

Part B establishes the State Bureau of Identification as the central repository for juvenile crime information.

Note: LD 2252, An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine, Public Law 1999, chapter 510 corrects PL 1999, chapter 110 by clarifying that Part B is effective September 1, 2000. Part A is effective 90 days after the Legislature adjourns.

LD 1421 **An Act to Amend the Definition of Firearms to Include Paint Guns** **ONTP**

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

LD 1421 proposed to add paint gun to the definition of a firearm.

LD 1428 **Resolve, to Create the Commission to Study the Enhancement of Fire Protection Services throughout the State** **RESOLVE 65 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY O'GARA	OTP-AM	H-557 S-447 MICHAUD

LD 1428 proposed to direct the Department of Public Safety, the Maine State Retirement System, the Maine Fire Training and Education Program within the Maine Technical College System and the State Employee Health Commission within the Bureau of Human Resources to take several steps to enhance fire protection services throughout the State. The resolve also proposed to direct those entities to report their progress regarding the creation and implementation of fire safety enhancements and submit any necessary legislation to the Joint Standing Committee on Criminal Justice by January 15, 2000.

Committee Amendment "A" (H-557) proposed to retitle and replace the resolve. The amendment proposed to create the Commission to Study the Enhancement of Fire Protection Services throughout the State. It also proposed to add an emergency preamble and emergency clause, an appropriation section and a fiscal note to the resolve.

House Amendment "A" to Committee Amendment "A" (H-586) was presented on behalf of the Committee on Bills in the Second Reading and proposed to change the date by which the commission must make its report to January 14, 2000.

Senate Amendment "A" to Committee Amendment "A" (S-447) proposed to change the reporting date from January 14, 2000 to December 1, 1999. The amendment also proposed to clarify that, following receipt of the commission's report, the Joint Standing Committee on Criminal Justice may report out a bill to the Second Regular Session of the 119th Legislature.

Enacted law summary

Resolve 1999, chapter 65 creates the Commission to Study the Enhancement of Fire Protection Services throughout the State. The commission's members include: the President of the Maine Fire Chiefs Association, the President of the Professional Firefighters of Maine, the President of the Maine State Federation of Firefighters and 3 members of the Joint Standing Committee on Criminal Justice. The commission is required to report its recommendations to the Joint Standing Committee on Criminal Justice by January 14, 2000.