

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:

Sen. Robert E. Murray, Jr., Chair

Sen. William B. O'Gara

Sen. Paul T. Davis

Rep. Edward J. Povich, Chair

Rep. Roger D. Frechette

Rep. Christopher T. Muse

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Rep. James H. Tobin, Jr.

Rep. Roger L. Sherman

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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
ONT P.....	Ought Not To Pass report accepted
OT P ND.....	Committee report Ought To Pass In New Draft
OT P 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 1589**An Act to Require an Assessment Evaluation of Juveniles Entering the Juvenile Justice System****DIED BETWEEN BODIES**Sponsor(s)
O'BRIEN LCommittee Report
OTP-AMAmendments Adopted
H-689

LD 1589 proposed to require that the Department of Corrections provide a juvenile with an assessment evaluation as soon as a juvenile caseworker receives notice of the juvenile's arrest. As proposed, the purpose of an assessment evaluation is to assess the risks the juvenile may pose and to determine the needs the juvenile may have. It was proposed that an assessment evaluation include the following: educational, vocational, psychological, psychiatric and substance abuse examinations.

Committee Amendment "A" (H-689) proposed to specify that the assessment evaluation must include sufficient comprehensive evaluation to allow appropriate intervention strategies to be developed for the juvenile. The amendment also proposed to specify that an assessment evaluation must be conducted for every juvenile who is placed on informal adjustment and every juvenile who has been adjudicated of committing a juvenile crime. The amendment also proposed to add a fiscal note to the bill.

LD 1610**An Act to Require Prior Agreement by Both the Sender and the Receiver for a Recording to Take Place****ONTP**Sponsor(s)
LONGLEYCommittee Report
ONTPAmendments Adopted

LD 1610 proposed to amend law regarding interception of wire and oral communications by requiring both the sender and the receiver to agree to the recording of their communication. As proposed, this requirement does not apply if the receiver is a law enforcement officer performing official duties or an employee of the Department of Human Services investigating an abuse and neglect case.

LD 1632**An Act to Increase Penalties for Certain Drug-related Crimes Committed In or Near Low-income Housing****ONTP**Sponsor(s)
HARRIMANCommittee Report
ONTPAmendments Adopted

LD 1632 proposed to amend the Maine Criminal Code to provide that conduct that ordinarily would subject the actor to penalties for unlawful trafficking in scheduled drugs subjects that actor to the higher penalties for aggravated trafficking or furnishing scheduled drugs if conducted on or within 1,000 feet of the real property of low-income housing.

LD 1658**An Act to Release Juvenile Crime Records to School Personnel****PUBLIC 345**

Sponsor(s)
CATHCART
SKOGLUND

Committee Report
OTP-AM

Amendments Adopted
S-277

LD 1658 proposed to require that when a petition has been filed against a juvenile for an offense that alleges the use or threatened use of physical force against a person or when a juvenile has been adjudicated as having committed such an offense, the district attorney in the district where the charges were brought shall provide to the superintendent of the juvenile's school or the superintendent's designees the name of the juvenile and other specified information about the charges. As proposed, any information received under these new provisions may not become part of the student's educational record.

Committee Amendment "A" (S-277) proposed to direct a superintendent who receives notice from a district attorney that a juvenile has been charged in a juvenile petition to create a notification team. As proposed, a notification team must include the building administrator, a classroom teacher, a parent or guardian and a guidance counselor. The amendment proposed that the notification team would identify which school employees will receive on the basis of need the information provided to the superintendent and team. The amendment further proposed that the superintendent shall ensure that all who have access to juvenile criminal justice information receive confidentiality training.

The amendment also proposed to add a mandate preamble and a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 345 requires that when a petition has been filed against a juvenile for an offense that alleges the use or threatened use of physical force against a person or when a juvenile has been adjudicated as having committed such an offense, the district attorney in the district where the charges were brought shall provide to the superintendent of the juvenile's school or the superintendent's designees the name of the juvenile and other specified information about the charges. Any information received under these new provisions may not become part of the student's educational record.

Upon receipt of the information that a petition has been filed, a superintendent is required to create a notification team. A notification team must include the building administrator, a classroom teacher, a parent or guardian and a guidance counselor. A notification team shall identify which school employees will receive on the basis of need the information provided to the superintendent and team. The superintendent is required to ensure that all who have access to juvenile criminal justice information receive confidentiality training.

LD 1671

An Act to Broaden Victim Notification of Release of Defendant Placed in Institutional Confinement Following a Verdict of Not Criminally Responsible by Reason of Insanity

PUBLIC 126

Sponsor(s)
POVICH

Committee Report
OTP

Amendments Adopted

LD 1671 proposed to broaden victim notification of a defendant's release, conditional or unconditional, from institutional confinement under the Maine Revised Statutes, Title 15, section 104-A following involuntary commitment under Title 15, section 103 as a consequence of the defendant having been found not criminally responsible by reason of mental disease or defect. Currently, victim notification of a defendant's release from such confinement applies only to a gross sexual assault victim under 16 years of age. This bill proposed to include a murder victim as well as a victim of any Class A, Class B or Class C crime. The bill was the recommendation of the Department of the Attorney General.

Enacted law summary