

# 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  
Rep. Nancy L. Chizmar  
Rep. Michael W. Quint  
Rep. Michael J. McAlevey  
Rep. Judith B. Peavey  
Rep. Julie Ann O'Brien  
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](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.

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***

Public Law 1999, chapter 126 broadens victim notification of a defendant's conditional or unconditional release 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. Public Law 1999, chapter 126 expands notification to include a murder victim as well as a victim of any Class A, Class B or Class C crime.

**LD 1679**

**An Act Regarding Supervised Community Confinement**

**ONTP**

Sponsor(s)  
PIEH

Committee Report  
ONTP

Amendments Adopted

LD 1679 proposed to repeal the law that prohibits the transferring of a prisoner to supervised community confinement with more than one year remaining on the term of imprisonment or on the unsuspended portion of a split sentence.

**LD 1685**

**An Act Governing Privileged Communications between Victims of Crimes and Governmental Victim Witness Advocates**

**PUBLIC 369**

Sponsor(s)  
POVICH

Committee Report  
OTP

Amendments Adopted

LD 1685 proposed to provide that information communicated to victim witness advocates and coordinators remains confidential within the office of the prosecutor, except that disclosure may be made to the prosecuting attorney and disclosure must be made to the prosecuting attorney if it involves child abuse; if a court orders an in camera inspection; if a victim dies or is unable to consent; or if evidence is of an exculpatory nature, which also must be disclosed to the defendant. Such communications are currently not explicitly confidential pursuant to law, and some trial judges have ordered that such communications be made available to defendants.

***Enacted law summary***

Public Law 1999, chapter 369 provides that information communicated to victim witness advocates and coordinators remains confidential within the office of the prosecutor, except that disclosure may be made to the prosecuting attorney and disclosure must be made to the prosecuting attorney if it involves child abuse; if a court orders an in camera inspection; if a victim dies or is unable to consent; or if evidence is of an exculpatory nature, which also must be disclosed to the defendant.

**LD 1698**

**An Act to Amend the Restitution Law for Prisoners**

**ONTP**