

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.

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

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHEELER E KIEFFER	ONTP	

LD 1698 proposed to allow counties to recapture part of the cost of booking inmates.

LD 1708 An Act to Amend the Home-release Monitoring Program PUBLIC 247

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHEELER E KIEFFER	OTP-AM	H-417

LD 1708 proposed to amend the home-release monitoring program to allow an inmate to be released and monitored electronically or to be intensively supervised, pursuant to standards established by the Commissioner of Corrections for intensive supervision. The bill also proposed to expand the eligibility requirements for the program. Current law requires a person serving a sentence of less than 30 days to actually serve at least 2/3 of the sentence and a person serving a sentence of 30 days or more to serve at least 1/2 of the sentence before the person may participate in home release monitoring. The bill proposed to change the minimum times to 2 days and 5 days, respectively. The bill also proposed to repeal the provision that limits eligibility for home-release monitoring to persons serving Class C, D, or E crimes or offenses under the inland fisheries and wildlife or motor vehicle laws.

Committee Amendment "A" (H-417) proposed to remove that part of the bill that deletes the limitation for the home-release monitoring program concerning the crime for which the inmate is serving the sentence. The amendment proposed to change the limitations for eligibility by deleting the requirement that the inmate have no history of escape or violent behavior and by adding that the offense for which the inmate is serving a sentence is not a sex offense. It also proposed to change the minimum time an inmate must serve to be eligible for home-release monitoring to one-third of the sentence for all sentences and to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 247 amends the home-release monitoring program to allow an inmate to be released and monitored electronically or to be intensively supervised, pursuant to standards established by the Commissioner of Corrections for intensive supervision. Public Law 1999, chapter 247 changes the limitations for eligibility by deleting the requirement that the inmate have no history of escape or violent behavior and by adding that the offense for which the inmate is serving a sentence is not a sex offense. It also changes the minimum time an inmate must serve to be eligible for home-release monitoring to one-third of the sentence for all sentences.

LD 1721 An Act to Create the Sex Offender Registration and Notification Act of 1999 PUBLIC 437

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURRAY O'BRIEN L	OTP-AM	H-679 COLWELL S-332

LD 1721 proposed to create the Sex Offender Registration and Notification Act of 1999, which provides for the registration of sex offenders and sexually violent predators in order to conform with federal law. The bill proposed to expand the scope of the definition of "sex offender" for purposes of registration to include juveniles and adults convicted of a sex offense.