

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.

3. Specifies that a motion for probation revocation must be approved by the prosecuting attorney;
4. Continues to use failure to hold a preliminary hearing as grounds for a person's release;
5. Specifies that at an initial appearance the court shall advise the probationer of the right to be represented by counsel at a hearing and that if the probationer can not afford counsel the court shall appoint counsel.
6. Codifies the practice that has developed whereby initial appearances are conducted on motions for revocation of probation and sets forth procedures governing initial appearances on motions to revoke probation.
7. Makes clear that a court may find a violation of probation, but nevertheless utilize none of the initially suspended sentence.
8. Makes clear that the running of the period of probation is tolled between the date the proceedings are commenced and the date of final disposition, even if no part of the original suspension order is modified; and
9. Provides a person on probation the opportunity to withdraw that person's admission if the court deems the agreed upon disposition too lenient and intends to enter a harsher disposition than that agreed to.

LD 1878

An Act to Make More Uniform the Training of Firefighters

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RUHLIN BERRY R	OTP-AM	S-194

LD 1878 proposed that the Maine Fire Training and Education Program of the Maine Technical College System provide a centralized training resource center for firefighters of the State. Specifically, the bill proposed that the Maine Fire Training and Education Program ensure that more firefighters are trained in local communities statewide. As proposed, training must be offered annually and must be free of charge. The program proposed to increase grant funds available to local communities to support construction of specialized training facilities where the State's firefighters can practice life-saving skills; provide firefighters with the opportunity for fire science education and leadership education through available distance learning technologies, including interactive television and the Internet; ensure that local fire departments have current training and education materials and equipment to prepare members for fires and other community emergencies; provide a one-stop resource center for firefighters and citizens; and support the development of fire and emergency leaders throughout the State.

Committee Amendment "A" (S-194) proposed that the Maine Fire Training and Education Program of the Maine Technical College System provide a centralized training resource center for firefighters of the State. Specifically, the amendment proposed that the Maine Fire Training and Education Program shall provide a one-stop resource center for training materials. As proposed, the program must strengthen curriculum development to ensure that materials meet applicable regulations and can be customized for local use, and the program must strengthen firefighter certification to increase training uniformity and local recognition. The amendment also proposed to add an appropriation section and a fiscal note to the bill.

LD 1878, as amended, was enacted but subsequently vetoed by the Governor.

LD 1892

An Act to Refine Certain Theft Provisions in the Law

ONTP