

# 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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**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.

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**

Sponsor(s)  
RUHLIN  
BERRY R

Committee Report  
OTP-AM

Amendments Adopted  
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**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J BUMPS	ONTP	

LD 1892 proposed to make failure to provide payment on a bad check a Class E crime. The bill also proposed to require that the court order the defendant to pay restitution in the amount of the bad check.

**LD 1899**                      **Resolve, to Require the Department of Public Safety to Study the Security and Protection of State Government Employees**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUMPS PENDLETON		

LD 1899 proposes to require the Department of Public Safety, within its existing resources, to study current measures affecting the safety of state employees and to report to the Joint Standing Committee on Criminal Justice and the Joint Standing Committee on State and Local Government not later than February 1, 2000. Pursuant to the bill, the committees may report out legislation regarding this study.

This bill has been carried over to the Second Regular Session.

**LD 1909**                      **An Act to Provide Continuing Financial Support for the Maine Community Policing Institute at the University of Maine at Augusta**                      **PUBLIC 357**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY DAVIS P	OTP-AM	H-559

LD 1909 proposed to create the Maine Community Policing Institute Surcharge Fund. As proposed, the fund would be established by collecting an additional 2% surcharge on every fine, forfeiture or penalty imposed by any court in the State in order to fund the Maine Community Policing Institute, which is funded through a federal grant.

**Committee Amendment "A" (H-559)** proposed to do the following:

1. Shift the administration of the Maine Community Policing Institute from the Department of Education to the University of Maine System;
2. Require the Maine Community Policing Institute to report annually to the joint standing committee of the Legislature having jurisdiction over criminal justice matters;
3. Specify that the Judicial Department may incur expenses up to \$11,000 in fiscal years ending June 30, 2000 and June 30, 2002 to implement administration of the 2% surcharge and to amend the system when the surcharge is repealed;