

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

SECOND REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
CRIMINAL JUSTICE**

JULY 2000

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ONE HUNDRED NINETEENTH LEGISLATURE
SECOND REGULAR SESSION

Summary Of Legislation Before The Joint Standing Committees
July 2000

We are pleased to provide this summary of 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:

<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>OTP ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i>	<i>Committee report Ought To Pass In New Draft/New Title</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is August 11, 2000.

David E. Boulter, Director
 Offices Located in the State House, Rooms 101 & 107

LD 1803

An Act to Revoke Probation and Require Incarceration for Repeated Domestic Abuse

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CATHCART	ONTP	

LD 1803 proposed to require probation officers to arrest and bring a motion to revoke the probation of a person who, while on probation, commits a criminal violation of a protection from abuse order issued against that person. The bill also proposed to require the court to revoke probation if the court found by a preponderance of the evidence that the person committed the crime.

LD 1858

An Act to Amend the Possession of Firearms by Felons

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JABAR RUHLIN	ONTP	

LD 1858 proposed to prohibit the use, possession and control of a firearm by a person convicted of certain Class D or Class E crimes involving domestic violence. As proposed, the prohibition would last until the person served the sentence resulting from the conviction.

The bill proposed that a crime of domestic violence is defined as a crime in which:

1. The person used or attempted to use physical force, or threatened to use a deadly weapon; and
2. The person and the victim have or had a family-like relationship. Specifically, the person committing the crime must be a current or former spouse, parent or guardian of the victim; a person with whom the victim has a child; or a person who is cohabiting with or has cohabited with the victim as a spouse, parent or guardian or has a similar relationship.

In addition, the bill proposed that the person who was convicted must have had the assistance of counsel in the proceeding or must have knowingly and intelligently waived the assistance of counsel. The bill proposed that if the person had a right to a jury trial for the domestic violence prosecution, then the case must have been tried by a jury or the person must have knowingly and intelligently waived the right to a trial by jury.

LD 1899

Resolve, to Require the Department of Public Safety to Study the Security and Protection of State Government Employees

ONTP

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

LD 1899 proposed to require that the Department of Public Safety, within its existing resources, study current measures affecting the safety of state employees and 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. The bill proposed that the committees could report out legislation regarding this study.

LD 1933

An Act to Promote Sharing of Information Between Schools and Criminal Justice Agencies

PUBLIC 595

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARRIMAN	OTP-AM MAJ OTP-AM MIN	S-522

LD 1933 proposed to allow a juvenile’s school to distribute information about an adjudicated juvenile to the court and a criminal justice agency under certain conditions. As proposed, the information would remain confidential and could not be further distributed. The authority for this sharing of information is found under FERPA (Federal Education Rights and Privacy Act). FERPA allows schools to distribute information if: 1) a state has enabling legislation that authorizes the distribution; 2) the distribution is to help serve the rehabilitation needs of a juvenile; 3) the information is distributed to a criminal justice agency; and 4) there are specific written guidelines in place governing the process. Currently, the information the bill seeks to allow to be shared may be released from schools to criminal justice agencies if parents consent to the release. Prosecutors may also subpoena these records.

Committee Amendment "A" (S-522) proposed to replace the bill and was the majority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to authorize schools to disseminate education records of preadjudicated juveniles to criminal justice agencies or agencies that by court order or agreement of the juvenile are responsible for the health or welfare of the juvenile. The amendment proposed that the education records be disseminated only if the records are relevant to and disseminated for the purpose of creating or maintaining an individualized plan for the juvenile's rehabilitation. The amendment proposed that education records received are confidential and may not be further disseminated, except to the court or as otherwise provided by law. The amendment proposed that the persons to whom the education records are disseminated certify in writing to the school that the records will not be disclosed to any other party, except the court or as otherwise provided by law, without the written consent of the juvenile or the juvenile's parent or guardian.

Committee Amendment "B" (S-523) proposed to replace the bill and was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to create a 16-member study commission to review the current laws and processes for sharing information about juveniles; to identify the information needs of agencies with respect to their ability to provide for the health and welfare of juveniles, including the creation and maintenance of individualized plans to ensure the success and the rehabilitation of juveniles; and to make necessary recommendations to propose changes to the current laws and processes regarding the sharing of information among schools, criminal justice agencies and other agencies responsible for the health and welfare of juveniles. The amendment proposed that the commission report its findings and any recommended legislation to the First Regular Session of the 120th Legislature by November 1, 2000. The amendment also proposed to add a fiscal note. This amendment was not adopted.