

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.

4. Provide that the surcharge created to fund the Maine Community Policing Institute is repealed on September 30, 2001; and
5. Add an allocation section and a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 357 creates the Maine Community Policing Institute Surcharge Fund. The fund is established by collecting an additional 2% surcharge on every fine, forfeiture or penalty imposed by any court in the State. Funds collected through the additional surcharge must be paid to the University of Maine System to fund the Maine Community Policing Institute. Public Law 1999, chapter 357 directs the Maine Community Policing Institute to report annually to the joint standing committee of the Legislature having jurisdiction over criminal justice matters. 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 on September 30, 2001.

LD 1912

An Act to Provide for Tougher Treatment of Drunk Drivers

ONTP

<u>Sponsor(s)</u> BAKER	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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Current law allows a law enforcement officer at the officer's discretion to impound the vehicle of a person who is arrested for operating the motor vehicle under the influence of intoxicants. LD 1912 proposed to require a law enforcement officer to impound the motor vehicle of a person arrested for operating the vehicle under the influence if the person:

1. Was under 21 years of age;
2. Has at least one conviction of operating under the influence within the past 10 years;
3. Was tested as having a blood-alcohol level of 0.15% or higher;
4. Was exceeding the speed limit by 30 miles per hour or more;
5. Eluded or attempted to elude an officer;
6. Was operating with a passenger under 21 years of age; or
7. Failed to submit to a blood-alcohol test at the request of a law enforcement officer.

This bill proposed to require that the motor vehicle be impounded at the time of the arrest and to prohibit the release of the vehicle for a period of not less than 48 hours after the time of impoundment. The bill proposed that the owner of the motor vehicle pay all of the expenses incident to the impoundment and storage of the vehicle and a \$100 impoundment fee to the law enforcement agency whose officer ordered the motor vehicle impounded to pay the expenses of the law

enforcement agency in conducting the impoundment. As proposed, an owner of an impounded motor vehicle may not recover the motor vehicle until all expenses and the impoundment fee are paid and the owner, if the owner is the person arrested, passes a blood-alcohol test. Finally, this bill proposed to hold harmless the law enforcement agency or person or entity who impounded, towed or stored the motor vehicle.

LD 1925

An Act to Deter Environmental Terrorism in the State

ONTP

<u>Sponsor(s)</u> KILKELLY CAMERON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1925 proposed to establish the Class C crime of environmental terrorizing, which is the destruction of property or the interference with a place of business's normal course of business by individuals or groups for the primary purpose of making a political statement on natural resource and environmental issues.

LD 1933

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

CARRIED OVER

<u>Sponsor(s)</u> HARRIMAN		<u>Committee Report</u>		<u>Amendments Adopted</u>
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Current law allows a juvenile court to distribute information about a juvenile offender to a criminal justice agency and the juvenile's school.

This bill proposes to allow the juvenile's school to distribute information about the juvenile to the court and a criminal justice agency under certain conditions. The information would remain confidential and not be distributed further.

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

LD 1936

An Act to Modify the Juvenile Code with Regard to the Service of Juvenile Summonses

PUBLIC 266

<u>Sponsor(s)</u> HARRIMAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-193
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LD 1936 proposed to allow police officers to summons a juvenile to court at the time of the juvenile's arrest. This bill also proposed to codify the requirements of the Maine Rules of Criminal Procedure regarding the manner of service of summons.

Committee Amendment "A" (S-193) proposed to make a technical correction and add a mandate preamble and fiscal note to the bill.

Enacted law summary