

# 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](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:

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  
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE..... Emergency bill failed to get 2/3 vote  
FAILED ENACTMENT/FINAL PASSAGE..... Bill failed to get majority vote  
FAILED MANDATE ENACTMENT..... Bill imposing local mandate failed to get 2/3 vote  
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 Second Regular Session (unless otherwise specified in a particular law) is August 11, 2000.

*David E. Boulter, Director*  
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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.

***Enacted law summary***

Public Law 1999, chapter 595 authorizes 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 education records may 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. Education records received are confidential and may not be further disseminated, except to the court or as otherwise provided by law. The persons to whom the education records are disseminated shall 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.

**LD 2069                      An Act to Establish a Critical Incident Review Panel Regarding                      ONTP**  
**Physical Force Used by Officers Causing Serious Bodily Injury or**  
**Death to Another Person**

<u>Sponsor(s)</u> LAVERDIERE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2069 proposed to require that any investigation conducted by the Attorney General or a law enforcement agency of any incident in which a law enforcement officer used physical force in performing that officer's duties that resulted in serious bodily injury or death to another person be completed within 30 days.

The bill also proposed to establish a critical incident review panel to review the use of physical force by law enforcement or corrections officers that results in serious bodily injury or death to another person.

**LD 2174                      An Act to Protect the Citizens of Maine from the Dangers of                      PUBLIC 767**  
**Counterfeit Consumer Goods                      EMERGENCY**

<u>Sponsor(s)</u> KILKELLY FISHER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-612 S-781 MICHAUD
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LD 2174 proposed that a person who may be prosecuted under Title 17-A, §705 and under Title 17-A, §705-A, a new crime “trademark counterfeiting,” must be prosecuted under §705-A. LD 2174 proposed that a person is guilty of trademark counterfeiting if that person willfully manufactures, uses, displays, advertises, distributes, offers for sale, sells or possesses with intent to sell or distribute an item or services bearing or identified by a counterfeit mark. LD 2174 proposed that a person having possession, custody or control of more than 25 items bearing a counterfeit mark is presumed to possess those items with intent to sell or distribute.