

# 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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Rep. Judith B. Peavey  
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Rep. James H. Tobin, Jr.  
Rep. Roger L. Sherman*

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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.

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*

Public Law 1999, chapter 266 allows law enforcement officers to summons a juvenile to court at the time of the juvenile's arrest.

**LD 1937**                      **An Act to Allow the State to Obtain a Defendant's Medical Records in Cases Involving OUI**                      **ONTP**

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

LD 1937 proposed to allow a defendant's hospital records that contain blood-alcohol results to be available to the State through ordinary discovery procedures. The bill also proposed to allow the discovery of any medical records related to the treatment of an injury suffered by a defendant who is charged with operating a motor vehicle or watercraft while intoxicated if the defendant denies culpability for the accident that caused the injury.

**Committee Amendment "A" (S-207)** was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to limit the discovery of medical records of the defendant to situations in which another person has suffered serious bodily injury or death. This amendment was not adopted.

**LD 1944**                      **An Act to Establish the Crime of Assault Against Sports Officials**                      **ONTP**

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

LD 1944 proposed to make assault against a sports official a Class C crime punishable by a fine of \$10,000 and imprisonment of not more than three years.

**LD 1996**                      **An Act to Allow the Forfeiture of Firearms Seized during a Lawful Search for Scheduled Drugs**                      **ONTP**

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

LD 1996 proposed to amend the firearms forfeiture laws to require a defendant who is convicted of a drug offense to forfeit, if the State requests, any firearm seized during a lawful search for drugs during which drugs were found.

**LD 2003**                      **An Act to Allow A Municipal Officer to Accept Forfeited Assets to Expedite the Administration of Drug Case Prosecution**                      **ONTP**

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

LD 2003 proposed to allow the municipal officers, rather than the voters at a town meeting, to accept a drug trafficker's forfeited assets as conveyed to the municipality by a court of law. As proposed, the change would expedite the closing of