

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*

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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).

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.

examinations; and make necessary recommendations to propose changes to the State's current process. The commission shall report its findings to the Joint Standing Committee on Criminal Justice by December 15, 1999.

Resolve 1999, chapter 84 was enacted as an emergency measure effective June 17, 1999.

LD 2031

An Act to Amend the Laws Relating to Issuance of a Warrant in the Name of the District Court

PUBLIC 368

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 2031 proposed to eliminate the current bar, absent consent by the defendant, to a Judge of the District Court sitting at the trial stage in a criminal matter as to which that judge issued before the trial a warrant for the arrest of the defendant based upon a finding of probable cause for that charged crime. It also proposed to provide that when an information charging a person with the commission of an offense is presented to any judge of the District Court, to a justice of the peace or to any other officer of the District Court authorized to issue process, the judge, justice of the peace or other officer shall issue a warrant in the name of the District Court for the arrest of that person. An information, like a criminal complaint, is a charging instrument utilized in the District Court. Finally, the bill proposed to remove additional language now addressed in the Maine Code of Judicial Conduct, the Code of Professional Responsibility and the Maine Rules of Criminal Procedure.

This bill was submitted on behalf of the Criminal Law Advisory Commission.

Enacted law summary

Public Law 1999, chapter 368 eliminates the current bar, absent consent by the defendant, to a Judge of the District Court sitting at the trial stage in a criminal matter as to which that judge issued before the trial a warrant for the arrest of the defendant based upon a finding of probable cause for that charged crime. It also provides that when an information charging a person with the commission of an offense is presented to any judge of the District Court, to a justice of the peace or to any other officer of the District Court authorized to issue process, the judge, justice of the peace or other officer shall issue a warrant in the name of the District Court for the arrest of that person. Finally, Public Law 1999, chapter 368 removes additional language now addressed in the Maine Code of Judicial Conduct, the Code of Professional Responsibility and the Maine Rules of Criminal Procedure.

LD 2069

An Act to Establish a Critical Incident Review Panel Regarding Physical Force Used by Officers Causing Serious Bodily Injury or Death to Another Person CARRIED OVER

Sponsor(s)
LAVERDIERE

Committee Report

Amendments Adopted

LD 2069 proposes 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 proposes 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.

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

LD 2070

An Act to Protect Library Materials in Circulation

PUBLIC 262

<u>Sponsor(s)</u> DUNLAP DAVIS P		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-416
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LD 2070 proposed to protect library and museum materials possessed by a person pursuant to a borrower's agreement by clarifying that unlawful retention of these materials is theft. It also proposed to create a new crime, "theft or destruction of institutional property." As proposed, a person is guilty of this crime if the person takes, uses or exercises control over or defaces or destroys property of a library, school, college, museum, church or public institution. The class of crime is based on the value of property and whether it can be replaced. The bill also proposed that as an alternative to criminal prosecution, an offender may be charged with a civil violation and the court must order restitution.

Committee Amendment "A" (H-416) proposed to rename the title to reflect the scope of the bill and strike the provision that created the new crime, theft or destruction of institutional property. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 262 protects library and museum materials possessed by a person pursuant to a borrower's agreement by clarifying that unlawful retention of these materials is theft.

LD 2093

An Act to Authorize the Disposition of Forfeited Firearms

ONTP

<u>Sponsor(s)</u> SCHNEIDER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2093 proposed to set the guidelines by which a law enforcement agency may dispose of a forfeited firearm. The Criminal Justice Committee dealt with issues relating to forfeited firearms in LD 99, An Act to Require Auctions for Confiscated Firearms, that was enacted as Public Law 1999, chapter 47.

LD 2098

An Act to Improve the Safety of Firefighters

ONTP

<u>Sponsor(s)</u> DUPLESSIE DOUGLASS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2098 proposed to require structures that use trusses in the floor or roof or parts of the floor or roof to display an emblem on the building signifying that construction and the materials used in the truss construction. As proposed, the purpose is to increase the protection to firefighters by informing them that trusses are present. As proposed, a violation for noncompliance is a Class E crime.

The bill also proposed to provide a voluntary statewide recommendation for a uniform program of identifying dangerous or vacant properties to further protect firefighters.