

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.

LD 2118

**Resolve, to Establish the Commission to Study Alternative Uses for
Unused Maine Youth Center Land and Buildings**

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
QUINT RAND	OTP-AM	H-558 H-587 CAMERON

LD 2118 proposed to create the Study Commission to Create and Submit a Master Plan for the Future Use of the Existing Land and Buildings at the Maine Youth Center.

Committee Amendment "A" (H-558) proposed to change the title of the resolve to establish the Commission to Study Alternative Uses for Unused Maine Youth Center Land and Buildings. The amendment proposed to add to the membership a representative of the City of South Portland who has planning expertise. The amendment also proposed to direct the Office of Policy and Legal Analysis to provide staffing and add an emergency preamble and emergency clause and provisions regarding compensation, commission meetings and a work plan to the resolve. The amendment also proposed to add a fiscal note.

House Amendment "A" to Committee Amendment "A" (H-587) was presented on behalf of the Committee on Bills in the Second Reading and proposed to change the date by which the commission was required to make its report.

LD 2129

**An Act to Bring Certain Criminal Code Provisions Addressing Fines Into
Conformity with Recently Amended Criminal Code Provisions
Addressing Restitution**

PUBLIC 367

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

LD 2129 proposed to conform the provisions governing fines in the Maine Criminal Code to similar restitution provisions that were recently amended by Public Law 1997, chapter 413. In the Maine Revised Statutes, Title 17-A, compare section 1302, subsection 1 with section 1325, subsection 1, paragraph C and section 1325, subsection 2, paragraph D; compare section 1302, subsection 2 with section 1325, subsection 4; compare section 1303-A with section 1328, see also former section 1305, subsection 2; compare section 1303-B with section 1328-A; compare section 1304, subsections 1 and 2 with section 1329, subsections 1 and 2; compare section 1304, subsection 3 with section 1329, subsection 3, see also former section 1304, subsections 3 and 4; and compare section 1304, subsections 4 and 5 with section 1329, subsections 4 and 5.

The bill also proposed to enact Title 17-A, section 1301-A, which contains provisions regarding the use of a fine relative to a natural person convicted of a crime that parallel the provisions in Title 17-A, section 1152, subsection 2-B and in the 2nd sentence of section 1302, which would be repealed and replaced in this bill.

Finally, the bill proposed to add to Title 17-A, section 1329, subsection 3 the requirement that confinement for a default in payment of restitution be treated as nonconcurrent with any other judgment of conviction involving a term of imprisonment. As proposed, this same requirement that existed in section 1304, subsection 4 is repealed and exists in section 1304, subsection 3, paragraph D, which is enacted in this bill, relative to a default in payment of a fine.

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

Enacted law summary

Public Law 1999, chapter 367 conforms the provisions governing fines in the Maine Criminal Code to similar restitution provisions that were recently amended by Public Law 1997, chapter 413.

Public Law 1999, chapter 367 enacts Title 17-A, section 1301-A, which contains provisions regarding the use of a fine relative to a natural person convicted of a crime that parallel the provisions in Title 17-A, section 1152, subsection 2-B and in the 2nd sentence of section 1302, which is repealed and replaced in Public Law 1999, chapter 367.

Finally, Public Law 1999, chapter 367 adds to Title 17-A, section 1329, subsection 3 the requirement that confinement for a default in payment of restitution be treated as nonconcurrent with any other judgment of conviction involving a term of imprisonment.

LD 2159 An Act to Reimburse Androscoggin County for Shortfalls in CARRIED OVER
State Reimbursement for Jail Costs

<u>Sponsor(s)</u> BOLDUC		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 2159 proposes to reimburse Androscoggin County for the amount of county jail prisoner support costs that were incurred by Androscoggin County for the years 1991 to 1996 for which the county was not reimbursed by the State. LD 2159 was re-referred to the Joint Standing Committee on Appropriations and Financial Affairs.

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

LD 2160 An Act to Stop the Construction of the Prison at Warren ONTP

<u>Sponsor(s)</u> SKOGLUND		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2160 proposed to stop the construction of a correctional facility in the Town of Warren and revoke authorization to the Maine Governmental Facilities Authority to borrow money for the project.

LD 2174 An Act to Protect the Citizens of Maine from the Dangers of CARRIED OVER
Counterfeit Consumer Goods

<u>Sponsor(s)</u> KILKELLY FISHER		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 2174 proposes to clarify and enhance penalties for the manufacture and sale of counterfeit consumer products and require the forfeiture of seized counterfeit consumer products.