

# 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](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.

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 State Reimbursement for Jail Costs**                      **CARRIED OVER**

<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 Counterfeit Consumer Goods**                      **CARRIED OVER**

<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.

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

**LD 2196**                      **An Act Concerning the Formation of the Central Maine Regional Public Safety Communication Center**      **CARRIED OVER**

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

LD 2196 proposes to establish the Central Maine Regional Public Safety Communication Center to provide emergency communication services to participating state, county and municipal entities. The bill proposes to establish a governing council and a board of directors to establish policy and to provide administrative oversight.

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

**LD 2214**                      **An Act to Reinstate the Death Penalty**    **ONTP**

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

LD 2214 proposed to change the permissible sentences for the crime of murder under certain circumstances. The bill proposed to require that a separate sentencing proceeding be held for murder convictions, and that the jury for that proceeding must recommend either a sentence of life in prison or a sentence of death. As proposed, a sentence of death is permissible only when the murder caused the death of 2 or more people or when the murder was especially heinous, atrocious or cruel. As proposed, death sentences would be automatically reviewable by the Supreme Judicial Court and may be set aside if the Court finds the sentence excessive or disproportionate to the sentences imposed in similar cases

As proposed, if a person is sentenced to death and the Supreme Judicial Court affirms the sentence, the Governor is required to issue a warrant directing the warden of the state prison to execute the sentence. As proposed, the Governor must stay an execution if the person is mentally ill or pregnant, and if the Governor unjustifiably fails to issue a warrant, the Attorney General may petition the Supreme Judicial Court for such a warrant, and the Court is required to issue one. The bill proposed that a death sentence must be carried out through lethal injection.

The bill also proposed to make the death penalty subject to a referendum on whether the people of Maine want to reinstate the death penalty.

**Committee Amendment "A" (H-590)** was the minority report of the Joint Standing Committee on Criminal Justice. This amendment proposed to add a fiscal note and appropriation to the bill. This amendment was not adopted.

**House Amendment "A" (H-609)** proposed to prohibit a person who was less than 18 years of age at the time of the murder from being sentenced to death. This amendment was not adopted.