

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**STATE OF MAINE  
119TH LEGISLATURE**

**SECOND REGULAR SESSION**

**BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
CRIMINAL JUSTICE**

**JULY 2000**

**Staff:**  
*Marion Hylan Barr, Legislative Analyst*

*Office of Policy and Legal Analysis  
13 State House Station  
Augusta, ME 04333  
(207)287-1670*

**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  
Rep. Nancy L. Chizmar  
Rep. Michael W. Quint  
Rep. Michael J. McAlevey  
Rep. Judith B. Peavey  
Rep. Julie Ann O'Brien  
Rep. James H. Tobin, Jr.  
Rep. Roger L. Sherman*



**Maine State Legislature**  
**OFFICE OF POLICY AND LEGAL ANALYSIS**

13 State House Station, Augusta, Maine 04333-0013  
 Telephone: (207) 287-1670  
 Fax: (207) 287-1275

**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*  
 Offices Located in the State House, Rooms 101 & 107

LD 2362 proposed to establish a state death benefit of \$50,000 for state police officers killed in the line of duty. The bill proposed to designate to whom the benefit is paid and in what proportion and would allow for an interim payment of up to \$3,000 to the surviving spouse, child or parent of the slain state police officer. As proposed, a benefit paid under this section would not be subject to execution or attachment. If the state police officer received or the officer's estate received a disability payment from the Maine State Retirement System, the death benefit would not be payable. The bill proposed that the Chief of the State Police is required to adopt major substantive rules to carry out the purposes of the bill.

**Committee Amendment "A" (S-579)** proposed to replace the bill. The amendment proposed to establish a state death benefit of \$50,000 for law enforcement officers killed in the line of duty, payable by the Chief of the State Police. As proposed, the amendment designates to whom the benefit is paid and in what proportion and allows for an interim payment of up to \$3,000 to the surviving spouse, child or parent of the law enforcement officer. A benefit paid under the Maine Revised Statutes, Title 25, section 1612 would not be subject to execution or attachment, nor could it be used to reduce any accidental death benefit amount payable under the Maine State Retirement System. The amendment proposed that the Chief of the State Police is required to adopt major substantive rules to carry out the purposes of the amendment. The amendment also proposed to add an appropriation section and a fiscal note.

**House Amendment "A" to Committee Amendment "A" (H-1002)** proposed to clarify that the death benefits may be paid when the officer dies while in the line of duty.

**LD 2406**

**An Act to Amend the Felony-operating-under-the-influence Laws**

**PUBLIC 703**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JABAR	OTP-AM	H-810

LD 2406 proposed to make it a Class C crime to operate a motor vehicle under the influence if a person previously has been convicted of a Class C OUI within the 10 years prior to the violation.

Under current law, it is a Class D crime if a person operates a motor vehicle under the influence of intoxicants or with a blood-alcohol level of .08% or more, unless that person causes serious bodily injury or death to another person, in which case it is a Class C crime.

**Committee Amendment "A" (H-810)** proposed to replace the title and replace the bill. The amendment proposed to make it a Class C crime to operate a motor vehicle under the influence of intoxicating liquor or drugs if a person has a prior conviction for a Class C crime under the aggravated punishment category of criminal OUI or if the person has a prior criminal homicide conviction involving or resulting from the operation of a motor vehicle while under the influence of intoxicating liquor or drugs or with a blood alcohol content of 0.08% or more.

The amendment also proposed to add a fiscal note.

***Enacted law summary***

Public Law 1999, chapter 703 makes it a Class C crime to operate a motor vehicle under the influence of intoxicating liquor or drugs if a person has a prior conviction for a Class C crime under the aggravated punishment category of criminal OUI or if the person has a prior criminal homicide conviction involving or

resulting from the operation of a motor vehicle while under the influence of intoxicating liquor or drugs or with a blood alcohol content of 0.08% or more.

**LD 2421                      An Act to Combat Domestic Violence                      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURPHY T LIBBY	ONTP	

LD 2421 proposed to establish the crime of domestic destruction. The bill proposed that a person is guilty of domestic destruction if that person intentionally, knowingly or recklessly damages or destroys property in a dwelling place while a family or household member is present in that dwelling place. As proposed, domestic destruction was a Class E crime except that if a family or household member present had not attained 16 years of age it was a Class D crime. The bill also proposed to add domestic destruction to the list of offenses for which a law enforcement officer may make a warrantless arrest.

**LD 2432                      An Act to Provide Additional Options for Services to Troubled Teens                      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO MITCHELL B	ONTP      MAJ OTP      MIN	

LD 2432 proposed to allow judges to directly commit juveniles to private residential treatment facilities in lieu of incarceration and other dispositional alternatives when appropriate.

**Committee Amendment "A" (H-829)** was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to add a fiscal note to the bill. This amendment was not adopted.

**LD 2439                      An Act to Relieve Counties from the Expense and Responsibility of Transporting Certain Prisoners between Correctional Facilities and Courts                      DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SKOGLUND PINGREE	OTP-AM	H-881

LD 2439 proposed to relieve all counties from the expense and responsibility of transporting a client from a correctional facility to any court in the State.

**Committee Amendment "A" (H-881)** proposed to replace the bill and change the title. As proposed, the amendment would relieve the counties of the responsibility of transporting prisoners between a correctional