

MAINE STATE LEGISLATURE

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**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*

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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).

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

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

facility and a court when the transportation was in connection with the prosecution of the prisoner for a crime committed within a correctional facility. The amendment proposed to require the Department of Corrections to transport such prisoners. The amendment also proposed to add an appropriation section and a fiscal note.

LD 2447

An Act to Amend the Maine Juvenile Code

PUBLIC 624

<u>Sponsor(s)</u> POVICH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-885 S-591 MURRAY
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Part A of LD 2447 proposed to do the following:

1. Expand the time for a juvenile detention court hearing from 24 hours to 48 hours following a placement in detention except for juveniles being held in a jail or other secure adult-serving detention facility whose hearing must be held within 24 hours;
2. Eliminate the ability of adult-serving jails to detain juveniles other than for 6 hours on an emergency basis unless a jail is located in a rural area, in which case the jail may detain a juvenile for up to 24 hours;
3. Clarify that the general public may not be excluded from a juvenile proceeding for a minor juvenile crime if the juvenile has already been adjudicated of a juvenile crime of any severity other than a Class E crime;
4. Require that shock sentences for juveniles be served concurrently with any other period of detention previously imposed or imposed on the same date; and
5. Require the termination of the probation of a person on juvenile probation who is 18 years of age or older and who commits a probation violation consisting of criminal conduct so that the person may be dealt with exclusively by way of the adult criminal process.

Part B of LD 2447 proposed to change references from "juvenile caseworker" to "juvenile community corrections officer" and to make several other technical changes to ensure conformity and consistency in terms.

Committee Amendment "A" (H-885) proposed to do the following:

1. Clarify and update the cross-references to the Maine Revised Statutes, Title 17-A probation provisions;
2. Correct a provision regarding juvenile detention hearings to be consistent with the rest of the bill;
3. Add provisions that are needed for proper implementation of a juvenile drug treatment court program;
4. Strike the provision that would have amended access by the public to the juvenile proceedings;