

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).

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

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
-----------------------------	-----------------------------------	--

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;

5. Require that shock sentences be served concurrently with any other period of detention previously imposed and not fully discharged or imposed on the same date; and
6. Add a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-591) proposed to incorporate changes made to the Maine Revised Statutes, Title 34-A, section 4102 in Public Law 1999, chapter 583. This amendment was presented on behalf of the Committee on Bills in the Second Reading.

Enacted law summary

Public Law 1999, chapter 624 does the following:

1. Expands the time for a juvenile detention court hearing from 24 hours to 48 hours following a placement in detention except that hearings for juveniles being held in a jail or other secure adult-serving detention facility must be held within 24 hours;
2. Eliminates 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. Requires that shock sentences for juveniles be served concurrently with any other period of detention previously imposed and not fully discharged or imposed on the same date;
4. Clarifies and updates the cross-references to the Maine Revised Statutes, Title 17-A probation provisions;
5. Adds provisions that are needed for proper implementation of a juvenile drug treatment court program; and
6. Changes references from "juvenile caseworker" to "juvenile community corrections officer" as well as makes several other technical changes to ensure conformity and consistency in terms.

LD 2449

An Act to Allow the State Police to Accept Funds from Private Entities for Services Provided

PUBLIC 653

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POVICH	OTP-AM MAJ ONTP MIN	H-828

LD 2449 proposed to allow the State Police to provide services to private entities and persons and to charge for providing the services. The bill proposed to require that revenue collected for payment of services be allocated for the purpose of funding the cost of providing the services.

Current law allows the State Police to provide services and to seek reimbursement for those services from the Maine Turnpike, federal agencies and municipalities that lack an organized police department.