

# 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**

**MEMBERS:**

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Sen. William B. O'Gara  
Sen. Paul T. Davis*

*Rep. Edward J. Povich, Chair  
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**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  
ONT P..... 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 2575**

**An Act to Restore the Chaplaincy in the Maine Correctional Center  
in South Windham**

**INDEF PP**

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

LD 2575 proposed to appropriate funds to reestablish a chaplain position for the Maine Correctional Center at South Windham.

**House Amendment "A" (H-1167)** proposed to replace the appropriation section of the bill.

**LD 2612**

**An Act to Adopt a New Interstate Compact Regarding Adults Who  
are on Probation or Parole**

**ONTP**

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

LD 2612 proposed to create the Interstate Compact for Adult Offender Supervision.

**Committee Amendment "A" (H-946)** 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 2628**

**Resolve, Regarding Legislative Review of Chapter 6: Certification  
of Law Enforcement Officers, a Major Substantive Rule of the  
Maine Criminal Justice Academy**

**RESOLVE 103**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-943

LD 2628 proposed to provide for legislative review of Chapter 6: Certification of Law Enforcement Officers, a major substantive rule of the Maine Criminal Justice Academy.

**Committee Amendment "A" (H-943)** proposed to replace the resolve. The amendment proposed to specify that final adoption of Chapter 6: Certification of Law Enforcement Officers, a provisionally adopted major substantive rule of the Maine Criminal Justice Academy regarding part-time law enforcement officers, was not authorized.

*Enacted law summary*

Resolve 1999, chapter 103 specifies that final adoption of Chapter 6: Certification of Law Enforcement Officers, a provisionally adopted major substantive rule of the Maine Criminal Justice Academy regarding part-time law enforcement officers, is not authorized.

**LD 2651**

**Resolve, to Establish the Commission to Study Domestic Violence**

**RESOLVE 126  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY MITCHELL B	OTP-AM	H-1017 S-779 MICHAUD

LD 2651 proposed to establish the Commission to Study Domestic Violence and to require the commission to study the problem of domestic violence and to determine methods of alleviating this problem through: better communication among the courts, law enforcement and other government agencies; stricter bail and probation conditions; education in elementary and secondary schools; and improved procedures for domestic violence cases from investigation to sentencing. The bill proposed to require the commission to submit a report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters for consideration in the Second Regular Session of the 120th Legislature.

**Committee Amendment "A" (H-1017)** proposed to change the membership to include one Senate member and one House member who serve on the Joint Standing Committee on Judiciary. The amendment proposed to clarify that the member who is a clerk works in the District Court. The amendment also proposed to add a survivor of domestic violence and the chair of the Maine Association of Batterers Intervention Programs and to replace the Commissioner of Public Safety with the Chief of the State Police. The amendment proposed to clarify that legislative members serve only while Legislators, and if necessary, the presiding officers appoint new legislative members.

The amendment proposed to narrow the commission's duties by eliminating those duties related to education and sentencing.

The amendment also proposed to add a fiscal note to the resolve.

**Senate Amendment "A" to Committee Amendment "A" (S-779)** proposed to replace Committee Amendment "A" (H-1017). The amendment proposed to keep provisions in Committee Amendment "A" (H-1017) and to add the Commissioner of Human Services or the commissioner's designee to the membership of the commission and to require the President of the Senate and the Speaker of the House to give preference to members of the Joint Standing Committee on Criminal Justice and the Joint Standing Committee on Judiciary when making appointments to the commission.

#### ***Enacted law summary***

Resolve 1999, chapter 126 establishes the Commission to Study Domestic Violence. The commission's duties include determining methods to: alleviate domestic violence through better communication among the courts, law enforcement and other government agencies; create stricter bail and probation conditions; and provide improved procedures for the investigation and prosecution of domestic violence cases. The commission is required to submit a report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters for consideration in the Second Regular Session of the 120th