

MAINE STATE LEGISLATURE

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*State Of Maine
120th Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Criminal Justice*

August 2001

Members:

*Sen. Michael J. McAlevey, Chair
Sen. William B. O'Gara
Sen. Paul T. Davis*

*Rep. Edward J. Povich, Chair
Rep. Michael W. Quint
Rep. Charles E. Mitchell
Rep. Lillian LaFontaine O'Brien
Rep. Patricia A. Blanchette
Rep. Stanley J. Gerzofsky
Rep. Judith B. Peavey
Rep. Edgar Wheeler
Rep. James H. Tobin, Jr.
Rep. Lois A. Snowe-Mello*

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Maine State Legislature
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120th Legislature
First Regular Session

Summary Of Legislation Before The Joint Standing Committees
August 2001

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 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:

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*
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 First Regular Session (unless otherwise specified in a particular law) is **September 21, 2001**.

David E. Boulter, Director
Offices Located in the State House, Rooms 101/107/135

Joint Standing Committee on Criminal Justice

LD 1159 **An Act to Increase Effectiveness within the Department of Corrections when Serving Warrants of Arrest for Persons Charged with Probation and Parole Violations** **ONTP**

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

LD 1159 proposed to include General Fund appropriations totaling \$30,000 in fiscal year 2001-02 and \$40,000 in fiscal year 2002-03 for the Department of Corrections to lease one vehicle for each regional probation office to assist in transporting persons involved with probation violations.

LD 1168 **An Act Concerning the Sentencing of Persons to County Jails** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY	ONTP MAJ	H-693 BLANCHETTE
WATERHOUSE	OTP-AM MIN	S-277

LD 1168 proposed that a person who commits a Class D or Class E crime must be imprisoned in the county jail in the county where the crime was committed. A person who commits a Class A, Class B or Class C crime must be imprisoned in the county jail in the county where the crime was committed if that person's sentence is 9 months or less. It also proposed to require that a person whose suspended sentence has been revoked be sent back to prison based upon the original, underlying sentence for purposes of determining what corrections facility is appropriate.

Finally, this bill proposed to preclude the sentencing of a person to the county jail for consecutive sentences that exceed a total of 9 months. Currently, a person may be sentenced to serve consecutive 9-month sentences for a total of 18 months at the county jail. This bill would have required that a person sentenced to a term longer than 9 months be sentenced to the custody of the Department of Corrections.

Committee Amendment "A" (S-277) was the minority report of the Joint Standing Committee on Criminal Justice and replaced the bill. The amendment proposed to require that a person who is sentenced to serve a term of imprisonment in a county jail must serve that term in the jail in the county in which the crime was committed. If the county in which the crime was committed does not have a jail, the sheriff of that county would have to make arrangements for the imprisonment of that person in the jail of another county for the length of time ordered by the court having jurisdiction. The sending county would have to pay the receiving county for the costs of boarding that prisoner. The amendment also proposed to require that if a sentence to a term of imprisonment in a county jail was consecutive to or was to be followed by a sentence of a term of imprisonment in the custody of the Department of Corrections, the court imposing either sentence would have to order that both be served in the custody of the Department of Corrections. The amendment also proposed to add a fiscal note.

House Amendment "A" to Committee Amendment "A" (H-693) proposed to require the consent of both the sheriff of the county in which the crime was committed and the sheriff of the county where the term of

Joint Standing Committee on Criminal Justice

imprisonment was to be served if a defendant was sentenced to be incarcerated in a jail in a county other than the county where the crime was committed.

LD 1168 as amended by Committee Amendment "A" and Senate Amendment "A" to Committee Amendment "A" was not removed by the Senate from the Special Appropriations Table and died on adjournment.

LD 1190 **An Act to Criminalize the Unauthorized Use of Food Stamp Devices** **ONTP**

<u>Sponsor(s)</u> COLWELL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1190 proposed to create the crime of unlawful trafficking in food stamp devices that could be enforced by state and local enforcement agencies whenever a person intentionally or knowingly furnished food stamp access devices, coupons or authorization cards to an entity not approved by the United States Secretary of Agriculture.

LD 1221 **An Act to Prevent Theft of Motor Fuels** **DIED BETWEEN BODIES**

<u>Sponsor(s)</u> WINSOR FERGUSON		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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LD 1221 proposed to create a new Class E crime of theft of motor fuel in Title 29-A. The bill proposed that a person commits theft of motor fuel if that person puts motor fuel into the person's vehicle and then leaves the retail fuel outlet without paying for the fuel. In addition to the penalties imposed as a Class E crime, the court would have been required to suspend the person's driver's license for at least 30 days but not more than 180 days.

Committee Amendment "A" (H-272) was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to give the court discretion to order a license suspension for a person convicted of theft of motor fuels, instead of making the suspension mandatory. The amendment also proposed to add a fiscal note to the bill. This amendment was not adopted.

LD 1236 **An Act to Strengthen the Bail Laws for Repeat Offenders** **PUBLIC 252**

<u>Sponsor(s)</u> TOBIN J MITCHELL B		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-405
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LD 1236 proposed to change the bail law by requiring a bail commissioner or a court to consider the possibility of the commission of new criminal conduct while on bail in deciding whether to release a defendant on personal