

# 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  
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Rep. Judith B. Peavey  
Rep. Edgar Wheeler  
Rep. James H. Tobin, Jr.  
Rep. Lois A. Snowe-Mello*

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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](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:

*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*  
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## 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

## Joint Standing Committee on Criminal Justice

recognizance or unsecured bail. Current law allows the judicial officer to only consider the possibility of a failure to appear or harm to a narrow list of persons; therefore, defendants with significant criminal history, including repeated criminal violations of past bail orders, are eligible for release on personal recognizance or unsecured bail without conditions, unless there is a demonstrated risk of nonappearance. The bill would have required the judicial officer to consider the defendant's history in making the initial decision to release the defendant on personal recognizance or unsecured bail. The defendant whose history demonstrates a likelihood of new criminal conduct while on bail generally would have been required to be released only with conditions set under the Maine Revised Statutes, Title 15, section 1026, subsection 3.

**Committee Amendment "A" (H-405)** replaced the bill and proposed to clarify that judges and bail commissioners must consider the factors in the Maine Revised Statutes, Title 15, section 1026, subsection 4 when determining whether to set preconviction bail.

### *Enacted law summary*

Public Law 2001, chapter 252 clarifies that judges and bail commissioners must consider the factors in the Maine Revised Statutes, Title 15, section 1026, subsection 4 when determining whether to set preconviction bail.

**LD 1254**

**An Act to Amend the Supervised Community Confinement Program**

**ONTP**

<u>Sponsor(s)</u> SKOGLUND		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1254 proposed to amend the supervised community confinement program to do the following:

1. Exclude a prisoner who has been sentenced to life imprisonment from participation in the program;
2. Repeal the provision restricting participation in the program to a prisoner who has one year or less remaining on the term of imprisonment, thus allowing a prisoner who has served at least  $\frac{2}{3}$  of the prisoner's sentence to be eligible for the program; and
3. Repeal the provision prohibiting a prisoner who has a security classification higher than minimum from participating in the program. Instead, if a prisoner has a classification higher than minimum, the prisoner could participate in the program if the Commissioner of Corrections evaluated the prisoner and determined that the prisoner was a suitable candidate for the program.