

# 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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**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*  
 Offices Located in the State House, Rooms 101/107/135

## Joint Standing Committee on Criminal Justice

LD 1662

Resolve, to Study the Emergency Medical Services System

ONTP

<u>Sponsor(s)</u> BULL MCALEVEY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1662 proposed to establish the Commission to Study the Emergency Medical Services System.

**LD 1691**

An Act Adopting and Implementing the National Crime Prevention and Privacy Compact

PUBLIC 372

<u>Sponsor(s)</u> MCALEVEY POVICH	<u>Committee Report</u> OTP	<u>Amendments Adopted</u> H-649 POVICH
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LD 1691 proposed to allow the Maine State Police to enter into a compact with the Federal Bureau of Investigation and other party states for the purpose of organizing an electronic information sharing system among the Federal Government and the states to exchange criminal history records for noncriminal justice purposes for dissemination as authorized by federal and state laws.

**House Amendment "A" (H-649)** proposed to direct the commanding officer to ensure that fingerprints and information obtained for conducting a criminal history record check for noncriminal justice purposes through the interstate identification index system are not retained and are used solely for the purpose of providing a response to the record check. House Amendment "A" proposed to require the commanding officer to report any retention or dissemination of the fingerprints and information to the joint standing committee of the Legislature having jurisdiction over criminal justice matters and to direct that committee to consider renunciation of the compact.

The amendment would have clarified that the submission of fingerprints and descriptive information for criminal history record checks for noncriminal justice purposes would not constitute a criminal history record or the administration of criminal justice.

The amendment proposed to remove the emergency preamble and clause.

### *Enacted law summary*

Public Law 2001, chapter 372 allows the Maine State Police to enter into a compact with the Federal Bureau of Investigation and other party states for the purpose of organizing an electronic information sharing system among the Federal Government and the states to exchange criminal history records for noncriminal justice purposes for dissemination as authorized by federal and state laws.

## Joint Standing Committee on Criminal Justice

Public Law 2001, chapter 372 directs the commanding officer to ensure that fingerprints and information obtained for conducting a criminal history record check for noncriminal justice purposes through the interstate identification index system are not retained and are used solely for the purpose of providing a response to the record check. It requires the commanding officer to report any retention or dissemination of the fingerprints and information to the joint standing committee of the Legislature having jurisdiction over criminal justice matters and directs that committee to consider renunciation of the compact.

Public Law 2001, chapter 372 clarifies that the submission of fingerprints and descriptive information for criminal history record checks for noncriminal justice purposes does not constitute a criminal history record or the administration of criminal justice.

**LD 1698**

**An Act to Amend the Laws Governing DNA Testing**

**PUBLIC 469**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SKOGLUND DAGGETT	OTP-AM	H-647

LD 1698 proposed to permit persons who are convicted of crimes but are not required to submit to having a DNA sample drawn or persons charged with criminal offenses but not yet tried to request that a DNA sample be drawn. The bill proposed to allow persons who are incarcerated to request that a DNA sample be drawn at any time during incarceration. The bill would have permitted those persons requesting DNA samples to be given access to their records relating to the samples. The bill also proposed to require prosecutors to use all DNA evidence available in a case, regardless of what the evidence indicates. Finally, the bill proposed to specify that if a person has been sentenced and after sentencing has a DNA test that indicates that the person did not commit the offense, the prosecutor must reopen the case.

**Committee Amendment "A" (H-647)** replaced the bill. The amendment proposed to create a new chapter that sets up the process for postjudgment of conviction DNA analysis. A person convicted of a crime under the laws of this State that carries the potential punishment of imprisonment of at least 20 years and for which the person is currently in actual execution of a sentence of imprisonment or is subject to a sentence of imprisonment that is to be served in the future because another sentence must be served first may file a written postjudgment of conviction motion in the underlying criminal proceeding, moving the court to order DNA analysis of evidence in the control or possession of the State that is related to the underlying investigation or prosecution that led to the person's conviction and a new trial based on the results of that analysis. The amendment also proposed to add a fiscal note.

### *Enacted law summary*

Public Law 2001, chapter 469 creates a new chapter that sets up the process for postjudgment of conviction DNA analysis. A person convicted of a crime under the laws of this State that carries the potential punishment of imprisonment of at least 20 years and for which the person is currently in actual execution of a sentence of imprisonment or is subject to a sentence of imprisonment that is to be served in the future because another sentence must be served first may file a written postjudgment of conviction motion in the underlying criminal proceeding,