

# MAINE STATE LEGISLATURE

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*State Of Maine  
121st Legislature*

*First Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Criminal Justice and Public Safety*

*July 2003*

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# Maine State Legislature



## Office Of Policy And Legal Analysis Office Of Fiscal And Program Review

### 121st Maine Legislature First Regular Session

#### Summary Of Legislation Before The Joint Standing Committees

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

<i>CARRIED OVER PURSUANT TO HP 1212</i> .....	<i>Bills carried over to the 2<sup>nd</sup> Regular Session</i>
<i>CON RES XXX</i> .....	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i> .....	<i>House &amp; Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i> .....	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i> .....	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i> .....	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i> .....	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i> .....	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i> .....	<i>Ought Not To Pass report accepted</i>
<i>OTP-ND</i> .....	<i>Committee report Ought To Pass In New Draft</i>
<i>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PASSED</i> .....	<i>Joint Order passed in both bodies</i>
<i>PUBLIC XXX</i> .....	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i> .....	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i> .....	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's Veto</i>

Please note that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

**David C. Elliott, Director**  
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*Joint Standing Committee on Criminal Justice and Public Safety*

**LD 145**                      **An Act To Clarify That Possession of More Than 1 1/4 Ounces of Marijuana is a Crime**                      **DIED BETWEEN BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE	OTP      MAJ	
MCNEIL	ONTP    MIN	

LD 145 proposed to specify that possession of more than 1 1/4 ounces of marijuana is a Class E crime under the Maine Revised Statutes, Title 17-A, section 1107-A. Possession of an amount equal to or less than 1 1/4 ounces of marijuana is a civil violation.

**LD 151**                      **An Act Concerning Full-time Law Enforcement and Corrections Officers**                      **PUBLIC 19**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P	OTP	

LD 151 proposed to change the method of determining who is a full-time law enforcement or corrections officer for purposes of required training from one based on compensation to one based on hours worked in the course of a year. The bill proposed to make the training law consistent with Title 30-A, section 386, which deals with compensation of a deputy sheriff based on hours worked.

***Enacted Law Summary***

Public Law 2003, chapter 19 changes the method of determining who is a full-time law enforcement or corrections officer for purposes of required training from one based on compensation to one based on hours worked in the course of a year. Current law defines a full time officer as one who has a reasonable expectation of earning at least \$10,000 per year. Public Law 2003, chapter 19 makes the training law consistent with Title 30-A, section 386, which deals with compensation of a deputy sheriff based on hours worked. Title 30-A and Public Law 2003, chapter 19 specify that a part-time law enforcement or corrections officer may not be compensated for more than 1040 hours of work in any one calendar or fiscal year.

**LD 223**                      **An Act To Amend the Maine Juvenile Code as Recommended by the Criminal Law Advisory Commission**                      **PUBLIC 16**

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

LD 223 proposed to clarify the authority of a juvenile community corrections officer to issue and serve a summons. The bill proposed that the Commissioner of Corrections, at the commissioner's discretion, must authorize any issuance or service by a juvenile community corrections officer. The bill further proposed to allow the commissioner to impose conditions as to when and under what circumstances such authority could be

## *Joint Standing Committee on Criminal Justice and Public Safety*

exercised. The primary responsibility for issuing and serving summonses would continue to rest with law enforcement officers.

### *Enacted Law Summary*

Public Law 2003, chapter 16 clarifies the authority of a juvenile community corrections officer to issue and serve a summons. The Commissioner of Corrections, at the commissioner's discretion, must authorize any issuance or service by a juvenile community corrections officer. Public Law 2003, chapter 16 further allows the commissioner to impose conditions as to when and under what circumstances such authority may be exercised. The primary responsibility for issuing and serving summonses continues to rest with law enforcement officers.

**LD 224**                      **An Act to Amend the Maine Bail Code as Recommended by the**                      **PUBLIC 15**  
**Criminal Law Advisory Commission**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 224 proposed to amend the definition of "failure to appear" to include a failure to surrender into custody at the time and place required under the Maine Rules of Criminal Procedure, Rule 32(a)(1).

The bill also proposed to prohibit an attorney in a criminal matter, while representing a defendant, from providing cash bail or acting as surety for the client. This same prohibition is found in the Maine Rules of Criminal Procedure, Rule 26(d).

### *Enacted Law Summary*

Public Law 2003, chapter 15 amends the definition of "failure to appear" to include a failure to surrender into custody at the time and place required under the Maine Rules of Criminal Procedure, Rule 32(a)(1).

Public Law 2003, chapter 15 also prohibits an attorney in a criminal matter, while representing a defendant, from providing cash bail or acting as surety for the client. This same prohibition is found in the Maine Rules of Criminal Procedure, Rule 26(d).

**LD 249**                      **An Act to Aid Law Enforcement in Complying with Maine's**                      **PUBLIC 185**  
**Freedom of Access Laws**

<u>Sponsor(s)</u> KOFFMAN MARTIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-186
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LD 249 proposed to require that all law enforcement agencies add to their existing collection of mandatory written policies one that addresses compliance with Maine's freedom of access laws, which govern citizen access to public records and proceedings. It further proposed to provide that the Board of Trustees of the Maine Criminal Justice Academy establish, by June 2004, minimum standards that each agency policy would have to meet and proposed to establish deadlines in 2005 by which each law enforcement agency would have to adopt a policy and provide training and orientation to its personnel regarding the policy.