

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).

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 2nd 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 & 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&S XXX</i>	<i>Chapter # of enacted Private & 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
Offices located in Room 215 of the Cross Office Building

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
Criminal Law Advisory Commission**

PUBLIC 15

Sponsor(s)

Committee Report
OTP

Amendments Adopted

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
Freedom of Access Laws**

PUBLIC 185

Sponsor(s)
KOFFMAN
MARTIN

Committee Report
OTP-AM

Amendments Adopted
H-186

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.

Joint Standing Committee on Criminal Justice and Public Safety

Committee Amendment "A" (H-186) proposed to replace the bill. The amendment proposed to require the chief administrative officer of each municipal, county and state law enforcement agency to certify to the board of trustees of the Maine Criminal Justice Academy annually that the agency had adopted a written policy regarding procedures to deal with freedom of access requests and that the chief had designated a person who was trained to respond to freedom of access requests received by the agency. The amendment proposed to add a mandate preamble and a fiscal note to the bill.

Enacted Law Summary

Public Law 2003, chapter 185 requires the chief administrative officer of each municipal, county and state law enforcement agency to certify to the board of trustees of the Maine Criminal Justice Academy annually that the agency has adopted a written policy regarding procedures to deal with a freedom of access request and that the chief has designated a person who is trained to respond to freedom of access requests received by the agency.

LD 311 An Act to Adopt a New Interstate Compact Regarding Adults Who are on Probation and Parole PUBLIC 495

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN J	OTP-AM	H-210 S-293 CATHCART

LD 311 proposed to create the Interstate Compact for Adult Offender Supervision. The bill proposed to enter Maine into a compact among enacting states to oversee, supervise and coordinate the interstate movement of adult offenders who are on probation or parole. The compact creates a governing body called the Interstate Commission for Adult Offender Supervision made up of representatives from the enacting states, which has rulemaking, enforcement and other powers. The compact currently is in effect in over 40 states.

Committee Amendment "A" (H-210) proposed to incorporate a fiscal note.

Senate Amendment "A" (S-293) proposed to add an appropriations and allocations section to the bill that proposed to deappropriate \$23,000 in fiscal years 2003-2004 and 2004-2005 from the Adult Community Corrections program within the Department of Corrections, and to appropriate \$23,000 from the General Fund in fiscal years 2003-2004 and 2004-2005 to cover association dues and transportation costs.

Enacted Law Summary

Public Law 2003, chapter 495 creates the Interstate Compact for Adult Offender Supervision. The law enters Maine into a compact among enacting states to oversee, supervise and coordinate the interstate movement of adult offenders who are on probation or parole. The compact creates a governing body called the Interstate Commission for Adult Offender Supervision made up of representatives from the enacting states, which has rulemaking, enforcement and other powers. The compact currently is in effect in over 40 states. The law deappropriates \$23,000 in fiscal years 2003-2004 and 2004-2005 from the Adult Community Corrections program within the Department of Corrections, and appropriates \$23,000 from the General Fund in fiscal years 2003-2004 and 2004-2005 to cover association dues and transportation costs.