

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

Staff:

*Marion Hylan Barr, Legislative Analyst
James Adolf, Legislative Analyst*

*Office of Policy and Legal Analysis
13 State House Station
Augusta, ME 04333
(207) 287-1670*

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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

LD 375

An Act To Amend the Law Regarding Security Officer Qualifications

PUBLIC 12

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

LD 375 proposed to remove from the list of screening criteria for security guard employment the automatic disqualifier of having been adjudicated of committing 3 civil violations within 5 years.

Enacted Law Summary

Public Law 2003, chapter 12 removes from the list of screening criteria for security guard employment the automatic disqualifier of having been adjudicated of committing 3 civil violations within 5 years.

LD 380

An Act To Protect Public Safety Using DNA Data of Juvenile Violent Offenders

PUBLIC 393

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAIRCLOTH BRENNAN	OTP-AM MAJ ONTP MIN	H-313

LD 380 proposed to subject a juvenile to DNA testing requirements if the juvenile were adjudicated of committing a juvenile crime that, if committed by an adult, would constitute an offense listed in the DNA Data Base and Data Bank Act.

Committee Amendment "A" (H-313) proposed to replace the bill and was the majority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment proposed to narrow the scope of the bill by subjecting a juvenile to DNA testing if the juvenile were adjudicated of committing a specific juvenile crime that, if committed by an adult, would constitute an offense listed in Title 25, section 1574, subsection 6. This proposed change would subject juveniles to DNA testing for only the most violent crimes, the list of which is more limited than the list of crimes for which adults must submit to DNA testing.

This amendment also proposed to allow for the collection of biological samples, instead of only blood draws, for DNA testing. The process for collection of biological samples other than blood draws is less complicated, less expensive and less invasive. This proposed change would apply to both juvenile and adult offenders subject to DNA testing requirements.

Enacted Law Summary

Public Law 2003, chapter 393 subjects a juvenile to DNA testing if the juvenile is adjudicated of committing a specific juvenile crime that, if committed by an adult, would constitute an offense listed in the Title 25, section 1574, subsection 6. This change would subject juveniles to DNA testing for only the most violent crimes, the list of which is more limited than the list of crimes for which adults must submit to DNA testing. Public Law 2003, chapter 393 also allows for the collection of biological samples, instead of only blood draws, for DNA testing.

Joint Standing Committee on Criminal Justice and Public Safety

The process for collection of biological samples other than blood draws is less complicated, less expensive and less invasive. This change would apply to both juvenile and adult offenders subject to DNA testing requirements.

LD 404

An Act To Limit the Transfer of Handguns to Minors

PUBLIC 188

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS GERZOFSKY	OTP-AM	S-86

LD 404 proposed to amend Maine law to be consistent with federal law governing the transfer of handguns to minors. Specifically, the bill proposed to follow the 2-tiered approach of federal law: individuals may not transfer handguns to those under 18 years of age and federally licensed commercial dealers may not sell handguns to those under 21 years of age. The bill proposed to provide that unlawful transfer or sales to minors are Class C crimes.

Committee Amendment "A" (S-86) proposed to lower the penalty for unlawful transfer of a handgun to a minor from a Class C crime in all cases to a Class D crime for the first offense and a Class C crime for a 2nd and all subsequent offenses. The amendment also proposed to make technical changes to clarify that possession of a handgun by a minor is not covered within the bill's scope. Finally, the amendment proposed to add a fiscal note and delete the portion of the bill regarding commercial firearms dealers. Licensed commercial firearms dealers currently are prohibited by federal law from transferring handguns to persons under 21 years of age.

Enacted Law Summary

Public Law 2003, chapter 188 prohibits an individual who is not a federally licensed commercial firearms dealer from transferring a handgun to a person under the age of 18, making that provision of State law consistent with federal law. Federal law also prohibits licensed commercial firearms dealers from transferring handguns to persons under 21 years of age. Public law 2003, chapter 188 provides that unlawful transfer or sale to a minor is a Class D crime for the first offense and a Class C crime for any subsequent offense. Public Law 2003, chapter 188 also makes technical changes to clarify that possession of a handgun by a minor is not covered under the law's provisions.

LD 413

An Act To Amend the Laws Governing Penalties for Writing Bad Checks

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PEAVEY-HASKELL NASS	ONTP MAJ OTP MIN	

LD 413 proposed to provide that a person who negotiated a worthless instrument with a face value of \$500 or less committed a Class D crime. Currently, such conduct is a Class E crime.