

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

LD 469

**An Act To Enhance the Powers of Law Enforcement Officers
Authorized To Make Out-of-county or Out-of-municipality Arrests**

PUBLIC 233

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY STRIMLING	OTP-AM	H-123 H-290 DUNLAP

LD 469 proposed to clarify that the arrest powers of a law enforcement officer are limited to the powers authorized by the municipality or county in which the officer is appointed unless the officer meets the law enforcement training requirements of the Maine Revised Statutes, Title 25, section 2804-C.

Committee Amendment "A" (H-123) proposed to replace the bill. The amendment proposed to:

1. Retain the authority of counties and municipalities to determine whether their officers are empowered to make out-of-county or out-of-municipality arrests;
2. Limit who may exercise these powers to only those officers who meet the training requirements of the Maine Revised Statutes, Title 25, section 2804-C;
3. Expand these arrest powers for officers who meet the training requirements to include all powers listed in Title 17-A, section 15;
4. Retain liability protection for officers with these arrest powers under the county or municipality of their appointment;
5. Retain the duty of these officers to notify the county or municipality in which they are making the arrest that the arrest will be or has been made; and
6. Authorize the trustees of the University of Maine System to empower the university system's full-time police officers to make arrests described in Title 17-A, section 15 outside university property, subject to the same training requirements, liability protection and notification requirements governing counties and municipalities for this purpose.

House Amendment "A" to Committee Amendment "A" (H-290) proposed to authorize the trustees of the University of Maine System to empower the university system's full-time police officers to make certain arrests outside university property only if the municipality in which an arrest is to be made had requested assistance in advance by cooperative agreement.

Senate Amendment "A" (S-111), which was not adopted, proposed to eliminate that provision of Committee Amendment "A" that proposed to authorize the trustees of the University of Maine System to empower the university system's full-time police officers to make arrests described in the Maine Revised Statutes, Title 17-A, section 15 outside university property, subject to the same training requirements, liability protection and notification requirements governing counties and municipalities for this purpose.

Joint Standing Committee on Criminal Justice and Public Safety

Enacted Law Summary

Public Law 2003, chapter 233 enhances the powers of law enforcement officers in the following ways.

1. The law limits the authority to make out-of-county or out-of-municipality arrests to only those officers who meet the training requirements of Title 25, section 2804-C.
2. The law expands these arrest powers for officers who meet the training requirements to include all powers listed in Title 17-A, section 15.
3. The law authorizes the trustees of the University of Maine System to empower the university system's full-time police officers to make certain arrests outside university property if the municipality in which an arrest is to be made has requested assistance in advance by cooperative agreement.

LD 475

An Act To Improve Conditions for Inmates with Mental Illness

PUBLIC 482

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY DAGGETT	OTP-AM	H-548 S-260 STRIMLING

LD 475 proposed to do the following:

1. Direct the Department of Behavioral and Developmental Services to add no more than 20 beds to the capacity of the Riverview Psychiatric Center to be used as swing beds to accommodate the forensic and civil commitment needs of the State;
2. Appropriate \$300,000 for county mental illness treatment pilot programs;
3. Direct the Department of Corrections to establish a training program to provide specialized training to case management and community support providers and providers of mental health services;
4. Direct the board of visitors for each correctional facility to report annually to the Commissioner of Corrections, the Governor and the Legislature. It would require that all uses of lengthy administrative segregation for certain inmates be reported to the appropriate board of visitors;
5. Establish boards of visitors for county correctional facilities; and
6. Require that an inmate in a county jail determined by a medical or mental health professional to need inpatient treatment be placed in a forensic hospital bed.

Committee Amendment "A" (H-548) proposed to replace the bill. Part A of the amendment proposed to direct sheriffs to establish boards of visitors for county jails. Part A also proposed to direct that a Justice of the Superior Court, upon being notified by the sheriff of a county in which an inmate had been determined by a competent medical authority to require inpatient treatment for mental illness, could issue an order transferring the inmate to a forensic hospital for treatment. An inmate with respect to whom an application and a certification under the Maine