

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
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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

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Revised Statutes, Title 34-B, section 3863 were made would have had to be admitted to either state mental health forensic institute.

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Part B of the amendment proposed to reword a provision of Title 34-A to clarify that a chief administrative officer would have to make an application for involuntary hospitalization of an inmate when that inmate had been determined by a competent medical authority to require inpatient treatment for mental illness.

Part C of the amendment proposed to require the Department of Behavioral and Developmental Services to review the use of seclusion and restraint with prisoners with major mental illness and annually report findings and recommendations to the Commissioner of Corrections and the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters.

Part C of the amendment also proposed to direct the Department of Corrections to assist the department's correctional officers assigned to inmate discharge planning in increasing their understanding of the services and supports available in the State for inmates with mental illness or substance abuse diagnoses.

Part D proposed to direct the Department of Behavioral and Developmental Services to absorb within existing resources any costs involved in the implementation of the department's responsibilities under this bill, as amended.

The amendment also proposed to add a mandate preamble and a fiscal note.

House Amendment "A" to Committee Amendment "A" (H-550) proposed to remove from the committee amendment language that directed 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. This amendment also proposed to strike language that directed that an inmate with respect to whom an application and a certification under Title 34-B, section 3863 were made must be admitted to either state mental health forensic institute. This amendment was not adopted.

House Amendment "B" to Committee Amendment "A" (H-559) proposed to do the same as House Amendment "A" to Committee Amendment "A." This amendment was not adopted.

Senate Amendment "A" to Committee Amendment "A" (S-260) proposed to do the same as House Amendment "A" to Committee Amendment "A."

Enacted Law Summary

Public Law 2003, chapter 482 accomplishes the following.

1. It directs sheriffs to establish boards of visitors for county jails.
2. It rewords a provision of Title 34-A to clarify that a chief administrative officer shall make an application for involuntary hospitalization of an inmate when that inmate has been determined by a competent medical authority to require inpatient treatment for mental illness.
3. It requires the Department of Behavioral and Developmental Services to review the use of seclusion and restraint with prisoners with major mental illness and annually report findings and recommendations to the Commissioner of Corrections and the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters.

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- 4. It directs the Department of Corrections to assist the department's correctional officers assigned to inmate discharge planning in increasing their understanding of the services and supports available in the State for inmates with mental illness or substance abuse diagnoses.

LD 478 An Act Requiring Lifetime Probation for Dangerous Sexual Offenders ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN J DAGGETT	ONTP MAJ OTP-AM MIN	

LD 478 proposed to require a court to impose lifetime probation for a person sentenced as a dangerous sexual offender. "Dangerous sexual offender" means a person who commits a new gross sexual assault after having been convicted previously and sentenced for gross sexual assault, rape, attempted murder accompanied by sexual assault, murder accompanied by sexual assault or conduct substantially similar to one of these crimes that is a crime under the laws of the United States or any other state.

The bill also proposed to require a court to impose lifetime probation for a person convicted of a sexually violent offense as defined in the Maine Revised Statutes, Title 34-A, section 11203. A "sexually violent offense" means a conviction for certain offenses or for an attempt to commit certain offenses under Title 17-A, sections 253 and 255-A.

Committee Amendment "A" (H-215) was the minority report. The amendment proposed to incorporate a fiscal note. This amendment was not adopted.

LD 495 An Act To Amend the Law Regarding Revocation of Probation ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN O'NEIL	ONTP	

LD 495 proposed to allow prosecuting attorneys to file motions to revoke probation.

LD 496 An Act To Amend the Period of Probation for Class D Crimes ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN O'NEIL	ONTP	

LD 496 proposed to increase the period of probation for all Class D crimes to a period not to exceed 2 years. Current law provides for a period of probation not to exceed one year for a Class D crime, except the period of probation for a person convicted of a Class D crime involving domestic violence must be 2 years or until the probationer completes a certified batterers' intervention program, unless there is another condition of probation that has not yet been met.