

# 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**  
Offices located in Room 215 of the Cross Office Building

*Joint Standing Committee on Criminal Justice and Public Safety*

- 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<br>DAGGETT | ONTP      MAJ<br>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<br>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<br>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.