

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 762 **An Act To Require a Juvenile to Pay Restitution after Attaining 18 Years of Age** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODCOCK BRUNO	ONTP	

LD 762 proposed to require a court to order a juvenile to pay restitution for damages resulting from a crime committed by a juvenile if the order of restitution fell within statutory criteria and proposed to require a juvenile to pay any unpaid restitution upon the juvenile's 18th birthday.

LD 792 **An Act To Make the Use of Scheduled Drugs without a Prescription a Crime** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	ONTP	

LD 792 proposed to prohibit the unauthorized use of scheduled drugs.

LD 807 **An Act To Permit the Use of Videoconferencing for the Purpose of Jail Visitation** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOWLES NASS	ONTP	

LD 807 proposed to authorize a county sheriff to allow a county jail to provide a prisoner with visitation with friends or family by videoconferencing, rather than in person, with the prisoner's consent. The bill also proposed that visitation by a prisoner's attorney or religious advisor must be in person.

LD 808 **An Act to Control County Jail and Correctional Facility Health Care Expenses Incurred outside the Facilities** **PUBLIC 461**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUNKER CARPENTER	OTP-AM	H-365

LD 808 proposed to limit the amount a county could pay a health care provider for health care services, goods, prescriptions and medications supplied to a prisoner only to the amount equal to the reimbursement rate applicable to that provider and that service as established by rule of the Department of Human Services for the MaineCare program under the Maine Revised Statutes, Title 22.

Joint Standing Committee on Criminal Justice and Public Safety

Committee Amendment "A" (H-365) proposed to clarify that the reimbursement rate applied only to services and medications provided to an inmate outside a county jail. The reimbursement rate would not have applied to any contracts for services within county jails. This amendment also proposed to add a mandate preamble and a fiscal note to the bill.

Senate Amendment "A" (S-167) proposed to add, effective July 1, 2004, state correctional and detention facilities to the applicable medical services and medications reimbursement rate and to clarify that this reimbursement rate applied only to services and medications provided to prisoners outside corrections and detention facilities. This reimbursement rate would not have applied to contracts for medical services provided within correctional and detention facilities. This amendment was not adopted.

Senate Amendment "B" (S-242) proposed to remove the mandate preamble and make it optional for a county to link its payment for medical services provided to a prisoner of that county to the reimbursement rate established by rule of the Department of Human Services for the MaineCare program. A medical service provider could not require the county to pay an amount greater than that reimbursement rate.

This amendment also proposed to add, effective July 1, 2004, state correctional and detention facilities to the applicable medical services and medications reimbursement rate and to clarify that this reimbursement rate applied only to services and medications provided to prisoners outside corrections and detention facilities. This reimbursement rate would not have applied to contracts for medical services provided within correctional and detention facilities. This amendment was not adopted.

Enacted Law Summary

Public Law 2003, chapter 461 limits the amount a county may pay a health care provider for health care services, goods, prescriptions and medications supplied to a prisoner only to the amount equal to the reimbursement rate applicable to that provider and that service as established by rule of the Department of Human Services for the MaineCare program under the Maine Revised Statutes, Title 22. The reimbursement rate applies only to services and medications provided to an inmate outside a county jail. The reimbursement rate does not apply to any contracts for services within county jails.

LD 815 An Act To Exclude Voluntary Intoxication as a Criminal Defense DIED BETWEEN BODIES

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN	OTP MAJ	
SAVAGE	ONTP MIN	

LD 815 proposed to remove the exception to the statute that allows the defense of self-induced intoxication to a criminal charge.