

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

LD 956

An Act To Improve the Procedure for Locating Runaway Children

PUBLIC 443

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N MARTIN	ONTP MAJ OTP-AM MIN	H-367

LD 956 proposed that if a juvenile in the custody of the Department of Human Services ran away from an interim care placement that included temporary shelter, the law enforcement agency in the jurisdiction from which the juvenile had run away would be responsible for finding that juvenile. The bill further proposed that, if that law enforcement agency did not locate the juvenile within 48 hours, the responsibility would revert to the law enforcement agency in the jurisdiction of the juvenile's legal residence.

Committee Amendment "A" (H-367) proposed to replace the bill and was the minority report. The amendment proposed to allow a law enforcement agency having original responsibility over a missing child report involving a child who was a runaway from the Department of Human Services interim care that included temporary shelter to transfer responsibility for investigating the case to the law enforcement agency that had jurisdiction over a location in this State that was believed to be the permanent residence of the runaway child. A transfer of responsibility would be made after the child had been a missing child for at least 48 hours, but no more than 60 days, if the chief administrative officer of the law enforcement agency determined that it was in the best interest of finding the child. This amendment also proposed to repeal this new subsection July 1, 2005.

Enacted Law Summary

Public Law 2003, chapter 443 allows a law enforcement agency having original responsibility over a missing child report involving a child who is a runaway from the Department of Human Services interim care that includes temporary shelter to transfer responsibility for investigating the case to the law enforcement agency having jurisdiction over a location in this State that is believed to be the permanent residence of the runaway child. A transfer of responsibility may be made after the child has been a missing child for at least 48 hours, but no more than 60 days, if the chief administrative officer of the law enforcement agency determines that it is in the best interest of finding the child.

Public Law 2003, chapter 443 is repealed July 1, 2005.

LD 970

An Act To Allow a Judge To Assess a Fee on a Defendant To Reimburse a Municipality for a Drug Test

PUBLIC 182

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN BUNKER	OTP-AM	S-76

LD 970 proposed to authorize a court to include in a sentence for a crime the costs of drug tests administered by a law enforcement agency to the defendant. The bill proposed that the court would then have to pay over any amounts collected to the municipality, county or law enforcement agency that incurred the costs. This bill would not apply to a test administered under Title 29-A for OUI.

Joint Standing Committee on Criminal Justice and Public Safety

Committee Amendment "A" (S-76) proposed to add state agencies to those who could be reimbursed for the costs of administering drug tests and to clarify that the court could order costs paid as part of a defendant's restitution. The amendment also proposed to add a fiscal note to the bill.

Enacted Law Summary

Public Law 2003, chapter 182 authorizes a court, as part of a defendant's restitution, to include in a sentence for a crime the costs of drug tests administered by a law enforcement agency to the defendant. The court must then pay over any amounts collected to the state, municipal or county law enforcement agency that incurred the costs. Public Law 2003, chapter 182 does not apply to a test administered under the Maine Revised Statutes, Title 29-A for OUI.

LD 976 **An Act To Ensure Effective Prosecution of Certain Repeat Offenders** **PUBLIC 475**

<u>Sponsor(s)</u> SAVAGE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-33
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LD 976 proposed to amend the provision of the Maine Criminal Code that allows enhanced prosecution of persons for certain crimes who have at least 2 previous convictions for certain offenses by adding references to a crime that is not in chapter 9, 11, 13 or 27 of the Maine Criminal Code. Aggravated criminal trespass in the Maine Revised Statutes, Title 17-A, section 402-A, subsection 1, paragraph A always includes within its proof the commission of a crime in chapters 9 or 11 of the Maine Criminal Code, but aggravated criminal trespass is in chapter 17 and therefore currently does not raise the sentencing category for certain subsequent crimes. This bill also proposed to add aggravated criminal trespass to the list of crimes for which enhanced prosecution may be sought in the case of a defendant who has prior convictions for certain crimes.

Committee Amendment "A" (S-33) also proposed to incorporate a fiscal note.

Enacted Law Summary

Public Law 2003, chapter 475 amends the provision of the Maine Criminal Code that allows enhanced prosecution of persons for certain crimes who have at least 2 previous convictions for certain offenses by adding references to a crime that is not in chapter 9, 11, 13 or 27 of the Maine Criminal Code. Aggravated criminal trespass in the Maine Revised Statutes, Title 17-A, section 402-A, subsection 1, paragraph A always includes within its proof the commission of a crime in chapters 9 or 11 of the Maine Criminal Code, but aggravated criminal trespass is in chapter 17 and therefore currently does not raise the sentencing category for certain subsequent crimes. Public Law 2003, chapter 475 also adds aggravated criminal trespass to the list of crimes for which enhanced prosecution may be sought in the case of a defendant who has prior convictions for certain crimes.