

# 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.

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*Joint Standing Committee on Criminal Justice and Public Safety*

- 10. It amends the criteria for imposing fines to expressly recognize the existing limitation upon the court's discretion in the event the fine amount is mandatory and thus the convicted offender must be sentenced to pay the fine amounts required under Title 17-A, sections 1201 and 1301.
- 11. It amends provisions regarding the Criminal Law Advisory Commission to make them gender neutral.

**LD 1023                      An Act To Criminalize Noncompliance with an Interstate Compact                      PUBLIC 158**  
**for Adult Offender Supervision**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN SULLIVAN	OTP	

LD 1023 proposed that a person commits a Class D crime if that person is released on probation or parole by a state that is a member of an interstate compact for adult offender supervision and the person resides in Maine without complying with the requirements of the interstate compact.

***Enacted Law Summary***

Public Law 2003, chapter 158 specifies that a person commits a Class D crime if that person is released on probation or parole by a state that is a member of an interstate compact for adult offender supervision and the person resides in Maine without complying with the requirements of the interstate compact.

**LD 1026                      An Act To Broaden the Law Enforcement Authority of University                      ONTP**  
**of Maine System Public Safety Officers**

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

LD 1026 proposed to broaden the powers of University of Maine System police officers to include enforcement authority throughout the State, rather than within the limits of university property only.

**LD 1065                      Resolve, Directing the Commissioner of Public Safety To Study the                      RESOLVE 23**  
**Emergency Medical Services System**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL NASS	OTP-AM	H-187 H-208 BULL

LD 1065 was a resolve that proposed to direct the Commissioner of Public Safety to study the emergency medical services system. The resolve proposed that the commissioner's study of the emergency medical services system would include, but not be limited to, an examination of the following issues:

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1. Consolidating the emergency medical services regions;
2. Streamlining the administration of emergency medical services at the state level;
3. Clarifying the role of the Emergency Medical Services' Board; and
4. Standardizing protocols.

**Committee Amendment "A" (H-187)** proposed to replace the resolve. The amendment proposed to direct the Commissioner of Public Safety to commission a study of the emergency medical services system, including the following components:

1. An independent assessment of the needs, design and structure of the organization and administration of the emergency medical services system at the regional level;
2. An independent assessment of the needs, design and structure of the organization and administration of the emergency medical services system at the state level; and
3. An independent assessment of the fiscal resources necessary to deliver emergency medical services at the regional and state levels.

The amendment also proposed to direct that the study include input and information from various interested parties, to enable the commissioner to accept public or private funds and grants for the study, to direct the commissioner to report back to the Joint Standing Committee on Criminal Justice and Public Safety and to enable that committee to report out legislation concerning the report.

**House Amendment "A" to Committee Amendment "A" (H-208)** proposed to clarify that the costs of the study are intended to be funded by Other Special Revenue funds. This amendment proposed to replace the General Fund appropriation with an Other Special Revenue funds allocation.

### *Enacted Law Summary*

Resolve 2003, chapter 23 directs the Commissioner of Public Safety to conduct a study of the emergency medical services system that includes the following components:

1. An independent assessment of the needs, design and structure of the organization and administration of the emergency medical services system at the regional level;
2. An independent assessment of the needs, design and structure of the organization and administration of the emergency medical services system at the state level; and
3. An independent assessment of the fiscal resources necessary to deliver emergency medical services at the regional and state levels.

The resolve also directs that the study include input and information from various interested parties, enables the commissioner to accept public or private funds and grants for the study, directs the commissioner to report back to the Joint Standing Committee on Criminal Justice and Public Safety and enables that committee to report out

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legislation concerning the report. The resolve notes that costs of the study are intended to be funded by Other Special Revenue funds and makes an Other Special Revenue funds allocation for this purpose.

**LD 1091**                      **An Act To Amend the Not Guilty by Reason of Insanity Verdict**                      **ONTP**

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

LD 1091 proposed to change the verdict of "not criminally responsible by reason of insanity" to "guilty but insane."

**LD 1109**                      **An Act Regarding Passing Bad Checks**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VAUGHAN WESTON	ONTP      MAJ OTP-AM    MIN	

LD 1109 was a concept draft pursuant to Joint Rule 208. The bill proposed to treat passing a bad check in exchange for merchandise, regardless of the amount of the check, the same as the theft of merchandise of a similar value after 3 failed attempts by the merchant to collect the amount of the check. After these 3 attempts, the merchant could have reported a theft. The bill also proposed to permit a merchant to make a black-and-white photocopy of a person's driver's license when that person paid by check.

**Committee Amendment "A" (H-213)** proposed to replace the bill and was the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. This amendment proposed to allow a merchant to make a black-and-white photocopy of a driver's license when the merchant accepted payment by check or draft. The merchant then would have had to file the photocopy in a secure, nonpublic location and destroy the photocopy once the check or draft had been paid. The amendment also proposed to add a fiscal note. This amendment was not adopted.

**LD 1110**                      **An Act Creating an Alternate Concealed Weapons Permit Process**                      **ONTP**

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

LD 1110 proposed to provide an appeal process for a person who was denied a concealed weapons permit through the local application process. Under the bill the Chief of the State Police would have had to review the application anew. The bill also proposed to authorize the Commissioner of Public Safety to adopt rules as necessary.