

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

*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*

Members:

*Sen. Ethan K. Strimling, Chair
Sen. Pamela Hatch
Sen. David L. Carpenter*

*Rep. George H. Bunker, Chair
Rep. Patricia A. Blanchette
Rep. Stanley J. Gerzofsky
Rep. Paul J. Lessard
Rep. Carol A. Grose
Rep. Lois A. Snowe-Mello
Rep. Christian D. Greeley
Rep. Louie B. Maietta
Rep. Richard M. Sykes
Rep. John W. Churchill*

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

Enacted Law Summary

Public Law 2003, chapter 503 amends the Maine Revised Statutes, Title 15, section 3314, subsection 1, paragraph H so that when a juvenile is given a "shock" sentence, or 30-day short term sentence, the court must make the reasonable-efforts determination required for federal funding under Title IV-E of the Social Security Act. Public Law 2003, chapter 503 also amends Title 15, section 3314, subsection 2 to add a provision so that whenever a probation revocation results in a juvenile's being committed to a department facility, whether for an indeterminate time or for a "shock" sentence, the court must make the reasonable-efforts determination required for federal funding under Title IV-E of the Social Security Act. Similarly, Public Law 2003, chapter 503 amends Title 15, section 3314 so that the determination is made whenever a court orders continued detention pending a probation revocation. Compliance with the requirements of Title IV-E is necessary to receive federal funds for juveniles who are placed outside of their homes. Finally, Public Law 2003, chapter 503 amends Title 15, section 3315, subsection 3 to end the reviews of these reasonable-efforts determinations once a juvenile reaches 18 years of age, when eligibility for federal funding ceases.

LD 1510

An Act To Improve Access to the Victims' Compensation Fund

PUBLIC 243

<u>Sponsor(s)</u> BUNKER STRIMLING	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-277
--	-----------------------------------	------------------------------------

LD 1510 proposed to make the following changes to the laws regarding the Victims' Compensation Fund:

1. Expand the definition of family or household member to include other individuals "who bear an equally significant relationship to the victim";
2. Add leaving the scene of a motor vehicle accident to the list of covered crimes if the crime results in personal injury or death;
3. Add to eligible expenses repair or replacement of locks or other security devices;
4. Extend the application filing deadline from one year to 3 years;
5. Require disclosure of relevant health care information to the Victims' Compensation Board pursuant to a victim's signed application to the board; and
6. Provide for reimbursement to the Victims' Compensation Fund from restitution payments made by the offender after the victim's actual losses are covered.

Committee Amendment "A" (H-277) proposed to clarify the definition of "family or household member" in section 3 of the bill. This amendment proposed to clarify the process by which providers and others who pay the costs of health care must submit to the board any information that is required to support a claimant's application or that is necessary to process a claim for payment. This amendment also proposed to clarify that restitution collected for the benefit of victims includes restitution collected at a county jail or prison.

Joint Standing Committee on Criminal Justice and Public Safety

Enacted Law Summary

Public Law 2003, chapter 243 makes the following changes to the laws regarding the Victims' Compensation Fund.

1. It expands the definition of family or household member to include other individuals "who bear an equally significant relationship to the victim."
2. It adds leaving the scene of a motor vehicle accident to the list of covered crimes if the crime results in personal injury or death.
3. It adds to eligible expenses repair or replacement of locks or other security devices.
4. It extends the application filing deadline from one year to 3 years.
5. It requires disclosure of relevant health care information to the Victims' Compensation Board pursuant to a victim's signed application to the board.
6. It provides for reimbursement to the Victims' Compensation Fund from restitution payments made by the offender after the victim's actual losses are covered.

LD 1514

An Act To Amend the Sex Offender Registration and Notification Laws

PUBLIC 371

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN J CARPENTER	OTP-AM MAJ ONTP MIN	H-420

LD 1514 proposed to make several changes to the sex offender registration and notification laws. Specifically, the bill proposed to do the following:

1. Expand the definition of "sex offense" to include 2 crimes regarding sexual exploitation of minors. The bill proposed to add the crimes of dissemination of sexually explicit materials and possession of sexually explicit materials to the definition of "sex offense;"
2. Repeal a provision of law that requires the Department of Public Safety, State Bureau of Identification to maintain a directory of sexually violent predators. This provision is redundant, since the Maine Revised Statutes, Title 34-A, section 11221, subsection 1 requires the bureau to maintain a registry of all persons required to register under the chapter;
3. Clarify the process for distribution of sex offender and sexually violent predator registration information to the Department of Corrections and law enforcement agencies and clarify what access to that information the public and sex offenders or sexually violent predators have;
4. Clarify that a sex offender or sexually violent predator shall notify the Department of Public Safety, State Bureau of Identification in writing when that person's place of employment or college or school changes, as a sex offender or sexually violent predator is required to do for a change in domicile;