

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on
Criminal Justice and Public Safety*

August 2005

Members:

Sen. Bill Diamond, Chair

Sen. John M. Nutting

Sen. Dean F. Clukey

Rep. Patricia A. Blanchette, Chair

Rep. Stan Gerzofsky

Rep. Carol A. Grose

Rep. Rosaire "Ross" Paradis, Jr.

Rep. Stephen P. Hanley

Rep. Richard M. Sykes

Rep. John W. Churchill

Rep. Christian D. Greeley

Rep. Kimberly J. Davis

Rep. Gary E. Plummer

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Maine State Legislature

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122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 organized by committees 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. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included 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:

- CARRIED OVER Bill Carried Over to Second Regular Session
CON RES XXX..... Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES..... House & Senate disagree; bill died
DIED IN CONCURRENCE..... One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT..... Action incomplete when session ended; bill died
EMERGENCY..... Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE..... Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE..... Bill failed to get majority vote
FAILED MANDATE ENACTMENT..... Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY..... Ruled out of order by the presiding officers; bill died
INDEF PP..... Bill Indefinitely Postponed
ONTP..... Ought Not To Pass report accepted
OTP ND..... Committee report Ought To Pass In New Draft
OTP ND/NT..... Committee report Ought To Pass In New Draft/New Title
P&S XXX..... Chapter # of enacted Private & Special Law
PUBLIC XXX..... Chapter # of enacted Public Law
RESOLVE XXX..... Chapter # of finally passed Resolve
UNSIGNED..... Bill held by Governor
VETO SUSTAINED..... Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

Joint Standing Committee on Criminal Justice and Public Safety

LD 106 **An Act To Provide Equity in the State Contribution to County Jail Expenses** **ONTP**

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

LD 106 proposed to provide that persons sentenced to more than 6 months incarceration must be committed to the Department of Corrections and those sentenced to less than 6 months must be committed to county jail. If a sentence includes incarceration, current law provides that a person convicted of a Class D or E crime must be committed to a county jail and for a Class A, B or C crime the court must specify a county jail if the person is sentenced to less than 9 months or must commit the person to DOC if the sentence is for more than 9 months. The bill also proposed to require that if the court imposes consecutive terms of imprisonment and the aggregate length of the terms is 6 months or more, they must be served in a DOC facility.

LD 106 also proposed to require that the Legislature appropriate amounts to supplement distributions from the County Jail Prisoner Support and Community Corrections Fund so that the combined funding would reimburse the county for the average total cost of the support of prisoners committed by court to that county's correctional facilities and the full cost of the support of prisoners committed to the Department of Corrections but who, as a result of violation of probation or parole, are housed in the county jail.

Committee Amendment "A" (H-223) was the minority report of the Joint Standing Committee on Criminal Justice and Public Safety and proposed to add an appropriations and allocations section to the bill. This amendment was not adopted.

LD 194 **An Act To Restrict Personal Benefit by Public Employees** **ONTP**

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

LD 194 proposed to designate as a Class E crime the use of public office information for personal benefit by a public servant.

LD 212 **An Act To Amend the Laws Governing Patronizing Prostitution of a Minor** **PUBLIC 444**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N	OTP-AM	H-321

Current law provides that a person promotes prostitution if, among other things, the person causes or aids another to commit or engage in prostitution, other than as a patron. This bill proposed to remove from the definition of

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“promotes prostitution” the phrase “other than as a patron.” This change would treat the conduct of engaging a prostitute the same as promoting prostitution.

COMMITTEE AMENDMENT "A" (H-321) proposed to replace the bill and create a new Class C crime of patronizing prostitution of a minor. The amendment proposed that a person commits the Class C crime of patronizing prostitution of a minor if that person, in return for another's prostitution, gives or agrees to give a pecuniary benefit either to the person whose prostitution is sought or to a 3rd person, the person whose prostitution is sought has not yet attained 18 years of age and the person knows that the person whose prostitution is sought has not attained 18 years of age.

Enacted law summary

Public Law 2005, chapter 444 creates a new Class C crime of patronizing prostitution of a minor. A person commits the Class C crime of patronizing prostitution of a minor if that person, in return for another's prostitution:

1. Gives or agrees to give a pecuniary benefit either to the person whose prostitution is sought or to a 3rd person;
2. The person whose prostitution is sought has not yet attained 18 years of age; and
3. The person knows that the person whose prostitution is sought has not attained 18 years of age.

LD 218 **An Act To Make Sexual Exploitation of Minors a Crime Compensable by the Victims' Compensation Board** **PUBLIC 22**

<u>Sponsor(s)</u> DIAMOND		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-21
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LD 218 proposed to make sexual exploitation of minors a crime compensable by the Victims' Compensation Board.

Committee Amendment "A" (S-21) proposed to incorporate a fiscal note.

Enacted law summary

Public Law 2005, chapter 22 makes sexual exploitation of minors a crime compensable by the Victims' Compensation Board.

LD 232 **An Act To Enhance Highway Safety** **PUBLIC 441**

<u>Sponsor(s)</u> TRAHAN DOW		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-578
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