

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

Committee Amendment "A" (H-98) proposed to clarify that the Portland Harbor Commission harbor master not only enjoys all the authority of harbor master with general law, but is subject to all the same duties and liabilities of harbor masters.

Enacted law summary

Private and Special Law 2005, chapter 4 gives the Portland Harbor Commission the power to arrest, making its powers consistent with those of other harbor commissions around the State. Private and Special Law 2005, chapter 4 specifies that the Portland Harbor Commission harbor master not only enjoys all the authority of harbor master with general law, but is subject to all the same duties and liabilities of harbor masters.

LD 357

An Act Regarding Bail Conditions

PUBLIC 449

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GROSE STRIMLING	OTP-AM	H-322

LD 357 proposed to amend the Maine Bail Code by:

1. Allowing as a condition of bail that a person enter and remain in a long-term residential facility for substance abuse. The bill proposed that a violation of this condition by a person whose underlying crime is punishable by a year or more in prison is a Class C crime; and
2. Allowing a judge or justice to revoke an order of preconviction bail that has been set by a bail commissioner.

Committee Amendment "A" (H-322) proposed to renumber the new bail condition in the bill that a person enter and remain in a long-term residential facility for substance abuse so that it would follow a similar preconviction bail condition for treatment and precede the general provision that allows for any other condition reasonably necessary in the Maine Revised Statutes, Title 15, section 1026, subsection 3, paragraph A, subparagraph (18). The amendment also proposed to clarify the provision regarding revocation of a preconviction bail order. Specifically, the amendment proposed to authorize a judge or justice to revoke the preconviction bail order of a bail commissioner and also to authorize a judge or justice to revoke preconviction bail entered by another judge or justice of the same court.

Enacted law summary

Public Law 2005, chapter 449 amends the Bail Code by:

3. Allowing as a condition of bail that a person enter and remain in a long-term residential facility for substance abuse. A violation of this condition by a person whose underlying crime is punishable by a year or more in prison is a Class C crime; and
4. Authorizing a judge or justice to revoke the preconviction bail order of a bail commissioner and authorizing a judge or justice to revoke preconviction bail entered by another judge or justice of the same court.