

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 384

An Act To Allow a Person To Appeal to the State Police a Denial of a Concealed Weapons Permit

ONTP

<u>Sponsor(s)</u> VAUGHAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 384 proposed to allow an appeal of a denial of a concealed weapons permit to the Chief of the State Police if the issuing authority who denied the application is other than the Chief of the State Police. The bill proposed that the appeal be in writing, that it be filed within 21 days of the denial and that the fee be \$25, payable to the Chief of the State Police.

LD 390

An Act To Improve Maine's Sex Offender Notification Laws

INDEF PP

<u>Sponsor(s)</u> MARLEY ANDREWS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u>
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LD 390 proposed to amend the Sex Offender Registration and Notification Act of 1999 by:

1. Eliminating the time period cut-off in which a conviction must have occurred, making registration apply retroactively to persons who have been convicted of a sex offense or sexually violent offense at any time;
2. Creating a Class C crime for a registrant's failure to register or update information after being notified of the duty to do so;
3. Upgrading from a Class D crime to a Class B crime a subsequent violation for failing to register or update information;
4. Requiring law enforcement officials to notify the public upon the conviction of a person for a sexually violent act; and
5. Forbidding a registrant from residing within 1,000 feet of a school, child care facility or recreational facility where minors congregate, violation of which would be a Class C crime.

Committee Amendment "A" (H-618) proposed to replace the bill. The amendment proposed to apply the requirements of the Sex Offender Registration and Notification Act of 1999 to persons sentenced in Maine on or after January 1, 1982 for sex offenses or sexually violent offenses as adults or as juveniles sentenced as adults and to persons sentenced in another jurisdiction as adults or as juveniles sentenced as adults at any time for offenses that require registration in the jurisdiction of conviction pursuant to that jurisdiction's sex offender registration laws, or that would have required registration had the persons remained there, or on or after January 1, 1982 for offenses that contain the same essential elements of a sex offense or sexually violent offense. The amendment also proposed to change the penalty section to specify that failure to comply with any duty imposed under the Sex Offender Registration and Notification Act of 1999 or a rule adopted pursuant thereto commits a Class D crime, for a 2nd violation a Class C crime and for a 3rd or subsequent violation a Class B crime.

Joint Standing Committee on Criminal Justice and Public Safety

This amendment was not adopted but the provision making registration retroactive to persons sentenced on or after January 1, 1982 was incorporated into Committee Amendment "A" to LD 1433, An Act to Amend the Sex Offender Registration and Notification Act of 1999. (See also Public Law 2005, chapter 423.)

LD 417

An Act To Improve the Role of Boards of Visitors for State Correctional Facilities

PUBLIC 216

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND GERZOFISKY	OTP-AM	S-194

LD 417 proposed to repeal the current provisions regarding boards of visitors and replace them with provisions to do the following.

1. Provide 3-year terms for members of boards of visitors of correctional facilities with the initial terms staggered;
2. Prohibit an employee of the Department of Corrections from serving on a board of visitors;
3. Authorize the Department of Corrections to prescribe departmental policies regarding volunteer activities of board members;
4. Require the Governor to appoint a chair for each board of visitors;
5. Clarify the meeting and reporting responsibilities of the boards of visitors by specifying that each board shall:
 - A. Inspect correctional facilities and be provided access to staff, clients and the facilities;
 - B. Review the management of its assigned facility and provide an annual report to the chief administrative officer of that facility, the commissioner, the Joint Standing Committee on Criminal Justice and Public Safety and to the other boards;
 - C. Appear before the Criminal Justice and Public Safety Committee upon request; and
 - D. Meet at least quarterly; and
6. Direct the Department of Corrections to provide its response to each board's report to the Criminal Justice Committee within one month after receiving the report.

Committee Amendment "A" (S-194) proposed to make the following changes to the bill:

1. Specify that at least one member of each board be a licensed provider of mental health services;
2. Create an application provision to allow current board members who work for the Department of Corrections to continue to serve for a period of time after the enactment of the bill to allow for continuity of board work until new appointments are made; and