

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

Staff:

Marion Hylan Barr, Legislative Analyst

Office of Policy and Legal Analysis

13 State House Station

Augusta, ME 04333

(207) 287-1670



Maine State Legislature

OFFICE OF POLICY & LEGAL ANALYSIS

13 State House Station, Room 215 Cross State Office Building
Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

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.

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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

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3. Make organizational changes to improve readability.

Enacted law summary

Public Law 2005, chapter 216 does the following:

1. Provides 3-year terms for members of boards of visitors of correctional facilities with the initial terms staggered and specifies that at least one member of each board be a licensed provider of mental health services;
2. Prohibits an employee of the Department of Corrections from serving on a board of visitors;
3. Requires the Governor to appoint a chair for each board of visitors;
4. Clarifies the meeting and reporting responsibilities of the boards of visitors;
5. Provides that volunteer activities of a member of a board of visitors may be prescribed by departmental policies regarding volunteer activities generally; and
6. Creates 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.

LD 462

An Act To Make the 3rd Violation of OUI a Class C Crime

PUBLIC 438

<u>Sponsor(s)</u> MITCHELL GERZOFISKY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-77
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LD 462 proposed to increase the class of crime of a 3rd OUI offense within a 10-year period from Class D to Class C.

Committee Amendment "A" (S-77) proposed to incorporate a fiscal note.

Enacted law summary

Public Law 2005, chapter 438 increases from a Class D to a Class C the class of crime for a 3rd OUI offense within a 10-year period.