

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:

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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 619

**Resolve, Directing the Department of Health and Human Services,
Bureau of Health To Review Youth Camp Counselor Hiring
Practices**

RESOLVE 99

<u>Sponsor(s)</u> BARSTOW MAYO	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-575
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LD 619 proposed to require owners and operators of camps established for recreational or educational activities for children to conduct background checks on employees and applicants for employment.

Committee Amendment "A" (H-575) proposed to replace the bill. The amendment proposed to create a resolve that directs the Department of Health and Human Services, Bureau of Health, in cooperation with the Maine Coalition Against Sexual Assault, the Maine State Police, the Maine Youth Camping Association and the YMCA Alliance of Maine, to evaluate the effectiveness of the bureau's rules concerning camp counselor hiring practices to protect children attending youth camps from sexual abuse. The amendment proposed that no later than January 15, 2006, the Bureau of Health shall report its findings and any proposed recommendations regarding camp counselor hiring practices to protect children attending youth camps from sexual abuse to the Joint Standing Committee on Criminal Justice and Public Safety. The amendment also proposed that upon receiving the bureau's recommendations, the Joint Standing Committee on Criminal Justice and Public Safety may report out implementing legislation if necessary.

Enacted law summary

Resolve 2005, chapter 99 directs the Department of Health and Human Services, Bureau of Health, in cooperation with the Maine Coalition Against Sexual Assault, the Maine State Police, the Maine Youth Camping Association and the YMCA Alliance of Maine, to evaluate the effectiveness of the bureau's rules concerning camp counselor hiring practices to protect children attending youth camps from sexual abuse. No later than January 15, 2006, the Bureau of Health shall report its findings and any proposed recommendations regarding camp counselor hiring practices to protect children attending youth camps from sexual abuse to the Joint Standing Committee on Criminal Justice and Public Safety. Upon receiving the bureau's recommendations, the Joint Standing Committee on Criminal Justice and Public Safety may report out implementing legislation if necessary.

LD 620

An Act To Clarify the Liquor Enforcement Laws

PUBLIC 139

<u>Sponsor(s)</u> BARSTOW BARTLETT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-179
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LD 620 proposed to authorize law enforcement officers to enforce the liquor laws, which were previously enforced by liquor enforcement agents.

Committee Amendment "A" (H-179) proposed to replace the bill and to allow the Commissioner of Public Safety to reach agreements with law enforcement agencies to authorize them to enforce administrative sanctions against liquor licensees and the licensees' agents and employees. The amendment also proposed to allow the

Joint Standing Committee on Criminal Justice and Public Safety

commissioner to authorize contract officers to perform the same function. Contract officers would be exempt from the basic law enforcement training requirements.

Enacted law summary

Public Law 2005, chapter 139 allows the Commissioner of Public Safety to reach agreements with law enforcement agencies to authorize those agencies to enforce administrative sanctions against liquor licensees and the licensees' agents and employees. Public Law 2005, chapter 139 also allows the commissioner to authorize contract officers to perform the same function. The contract officers are exempt from the basic law enforcement training requirements.

LD 638

An Act To Protect Public Safety and Help Offenders Return Safely to the Community

ONTP

Sponsor(s)
FAIRCLOTH

Committee Report
ONTP

Amendments Adopted

LD 638 proposed to expand the list of Class D and Class E offenses for which sentencing alternative of probation may be imposed to include:

1. A Class D or Class E crime that was initially charged by the attorney for the State as a Class A, Class B or Class C crime;
2. A Class D crime committed by a person who has a prior conviction for a Class A, Class B, Class C or Class D crime under the Maine Revised Statutes, Title 17-A; a prior conviction under the laws governing operating under the influence; or a prior conviction under the laws governing habitual offenders;
3. A Class D crime for failure to control or report a dangerous fire;
4. A Class D crime for possession of a schedule W drug; and
5. A Class D crime for cruelty to animals.

The bill also proposed to expand the list of Class A, Class B and Class C offenses for which the former statutory length of probation, which is 6 years for Class A crimes and 4 years for Class B and C crimes, may be imposed. The bill proposed that the former statutory length of probation may be imposed if the State pleads and proves that a person was convicted of a Class A, Class B or Class C crime and has a prior conviction for a Class A, Class B, Class C or Class D crime under Title 17-A, a prior conviction under the laws governing operating under the influence or a prior conviction under the laws governing habitual offenders. The bill also proposed that the former statutory length of probation may be imposed if the State pleads and proves that a person was convicted of unlawful trafficking in a schedule W drug, aggravated trafficking of scheduled drugs or certain offenses involving possession of a schedule W drug.

The bill also proposed to provide that a person sentenced to a term of imprisonment on or after October 1, 2005 may receive a reduction in that term of imprisonment of up to 3 days per calendar month for good behavior and up to 2 days per calendar month for fulfillment of responsibilities assigned in the person's transition plan for work, education or rehabilitation programs.