

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.

Joint Standing Committee on Criminal Justice and Public Safety

LD 702 **An Act To Increase Sentences of Imprisonment for Repeat Sex Offenders** **ONTP**

<u>Sponsor(s)</u> THOMPSON MITCHELL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 702 proposed to require the court to impose a minimum mandatory sentence of imprisonment of at least 30 years, of which 20 years may not be suspended, for persons convicted of a gross sexual assault or any other Class A or Class B crime under the Maine Revised Statutes, Title 17-A, chapter 11, Sex Assaults or under Title 17-A, chapter 12, Sexual Exploitation of Minors, if that person has 2 prior convictions for any of these crimes or similar crimes committed in other jurisdictions.

LD 703 **An Act To Clarify the Offense of Burglary of a Motor Vehicle** **ONTP**

<u>Sponsor(s)</u> MILLS J		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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Currently, the law differentiates between entry of an unlocked motor vehicle with the intent to commit a crime therein, a Class D crime, and forcible entry of a motor vehicle with the intent to commit a crime therein, a Class C crime. LD 703 proposed to remove that distinction and provide that unlawful entry of a motor vehicle is a Class D crime, regardless of the manner of entry.

LD 714 **Resolve, To Benefit Public Safety Using Retired Law Enforcement Officers** **ONTP**

<u>Sponsor(s)</u> NUTTING R CLUKEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 714 proposed to direct the Commissioner of Public Safety to implement a certification process by July 22, 2005, to allow retired law enforcement officers to carry concealed weapons pursuant to the federal Law Enforcement Officers Safety Act of 2004.

LD 719 **An Act To Protect Victims of Domestic Violence and Sexual Assault** **ONTP**

<u>Sponsor(s)</u> VAUGHAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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Joint Standing Committee on Criminal Justice and Public Safety

LD 719 proposed to allow a person who has been the victim of gross sexual assault or domestic violence or has been threatened with domestic violence and has filed a police report regarding that threat to carry a concealed weapon unless that person has been convicted of murder or a Class A, B or C crime.

LD 760 **An Act To Assist Municipalities in Recruiting Emergency Services Personnel** **ONTP**

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

LD 760 proposed to require that if a municipality offers coverage under a group health plan to its employees, it must also offer the same option for health coverage to a person employed by or under contract with the municipality who provides emergency services. The bill did not propose to require that a municipality pay for any portion of the premium for eligible emergency services personnel, unless required to do so by a collective bargaining agreement or other contractual obligation.

LD 812 **An Act To Make Illegal Possession of Certain Narcotic Drugs a Class C Crime** **PUBLIC 442**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A DAMON	OTP-AM	H-121

LD 812 proposed to make illegal possession of oxycodone, hydrocodone and hydromorphone a Class C crime.

Committee Amendment "A" (H-121) proposed to incorporate a fiscal note.

Enacted law summary

Public Law 2005, chapter 442 makes illegal possession of oxycodone, hydrocodone and hydromorphone a Class C crime.

LD 834 **An Act To Prevent Camcorder Piracy** **PUBLIC 199**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY DAVIS P	OTP-AM	H-259

LD 834 proposed to amend Title 17 to authorize a motion picture theater owner to detain a person suspected of illegally recording motion pictures, just as a storeowner may detain a person suspected of shoplifting. This bill proposed to amend the theft by unauthorized taking law by adding the Class C offense of knowingly operating an