

# 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*

1. Decrease the minimum sentence of imprisonment for murder from 25 to 20 years;
2. Repeal mandatory sentences for aggravated trafficking of scheduled drugs, aggravated trafficking or furnishing of counterfeit drugs, aggravated furnishing of scheduled drugs, and aggravated cultivating of marijuana;
3. Grant the sentencing court the authority to deviate from a mandatory minimum sentence and mandatory minimum fine in those circumstances when the court determines that the mandatory fine or sentence would create a substantial injustice and the deviation would not diminish the gravity of the offense or adversely affect public safety. The bill proposed that specific factors must be considered by the court before deviating from the mandatory minimum, including: the nature of the crime; recommendations of the victim, victim's family and the prosecutor; the defendant's prospects for rehabilitation, credible demonstration of remorse and comprehension of the consequences of the crime; and the age, background, physical and mental condition of the defendant, the defendant's family circumstances and whether the crime was a single aberration in the life of the defendant;
4. Remove the cap on fines for operating under the influence and instead authorize the court to impose up to the maximum fine allowed for that specific class of crime; and
5. Change the class of crime for a 3rd OUI conviction in less than 10 years from a Class D to a Class C crime. It also proposed to change the class of crime for 4 or more OUI convictions in a 10-year period from a Class C crime to a Class B crime and to authorize the court to permanently revoke the driver's license of a person convicted of 4 or more OUI violations in a 10-year period.

**LD 903**

### **An Act To Strengthen the Penalties for Furnishing Alcohol to or Allowing Consumption of Alcohol by Minors**

**PUBLIC 292**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J BLANCHETTE	OTP-AM MAJ OTP-AM MIN	S-237

LD 903 proposed to require that a minor who purchases alcohol and an adult who furnishes a minor with the alcohol each receive suspensions of their operator's licenses and to allow a court to grant an operator suspended by these provisions a restricted license in order to go to work, school or a court-ordered counseling program.

**Committee Amendment "A" (S-237)** was the majority report of the Joint Standing Committee on Criminal Justice and Public Safety. This amendment proposed to replace the bill and to do the following:

1. Change the title of the bill;
2. Increase from less than 14 years of age to less than 18 years of age the age of a minor for purposes of penalizing the first offense of furnishing liquor to a minor. The penalty would be a mandatory fine of \$500, none of which may be suspended;
3. Increase from \$500 to \$1,000 the fine for a 2nd offense of furnishing alcohol to a minor within a 6-year period, none of which may be suspended;

## *Joint Standing Committee on Criminal Justice and Public Safety*

4. Increase from \$1,000 to \$1,500 the fine for a 3rd or subsequent offense of furnishing alcohol to a minor within a 6-year period, none of which may be suspended;
5. Increase from less than 14 years of age to less than 18 years of age the age of a minor for purposes of penalizing the first offense of allowing a minor to consume liquor. It also proposed to increase the fine for this offense from \$500 to \$1,000, none of which may be suspended; and
6. Increase from \$500 to \$2,000 the fine for a 2nd or subsequent offense of allowing consumption of alcohol by a minor, none of which may be suspended.

**Committee Amendment "B" (S-238)** was the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. This amendment proposed to replace the bill and to make the same changes regarding penalties for furnishing alcohol to a minor or allowing consumption of alcohol by a minor as the Committee Amendment "A", except this amendment also proposed to add a requirement that the court suspend the motor vehicle operator's license of a person who commits 3 or more violations. The suspensions would have been graduated: 30 days for a 3rd offense, 90 days for a 4th offense and one year for a 5th or subsequent offense. This amendment was not adopted.

### ***Enacted law summary***

Public Law 2005, chapter 292 does the following:

1. Increases from less than 14 years of age to less than 18 years of age the age of a minor for purposes of penalizing the first offense of furnishing liquor to a minor. The penalty for this offense is a mandatory fine of \$500, none of which may be suspended;
2. Increases from \$500 to \$1,000 the fine for a 2nd offense of furnishing alcohol to a minor within a 6-year period, none of which may be suspended;
3. Increases from \$1,000 to \$1,500 the fine for a 3rd or subsequent offense of furnishing alcohol to a minor within a 6-year period, none of which may be suspended;
4. Increases from less than 14 years of age to less than 18 years of age the age of a minor for purposes of penalizing the first offense of allowing a minor to consume liquor. It also increases the fine for this offense from \$500 to \$1,000, none of which may be suspended; and
5. Increases from \$500 to \$2,000 the fine for a 2nd or subsequent offense of allowing consumption of alcohol by a minor, none of which may be suspended.

**LD 919**

**An Act Amending Public Notification Laws for Sex Offenders  
Living Near Schools and Day-care Centers**

**ONTP**

Sponsor(s)  
FAIRCLOTH  
NUTTING J

Committee Report  
ONTP

Amendments Adopted