

# 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*

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*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 983 also proposed to replace an outdated reference to former Title 17-A, section 1205, subsection 8 with a reference to current section 1205-C, subsections 5 and 6. Former Title 17-A, section 1205, subsection 8 was repealed by Public Law 1999, chapter 246.

**Committee Amendment "A" (H-323)** proposed to correct an oversight by adding "reckless conduct; assault" under the Maine Revised Statutes, Title 19-A, section 4011, subsection 4 to the provisions regarding the violation of a protective order under Title 17-A, section 506-B, which pertains to a person who is subject to a protective order issued under Title 19-A and violates that order. The Class C violation under Title 19-A, section 4011, subsection 4 was enacted in Public Law 2001, chapter 420, and the crime was never added to Title 17-A, section 506-B, which lists each type of protective order.

This amendment also proposed to clarify the application of the increased good time authorized pursuant to Public Law 2003, chapter 711 by indicating that the new increases in good time apply only to crimes other than sex offenses and domestic violence offenses. For these crimes, as well as for murder, the prior good time provisions apply.

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

Public Law 2005, chapter 207 makes a number of technical changes and corrections to the Maine Criminal Code.

1. The 121st Legislature amended the Maine Revised Statutes, Title 17-A, section 959 regarding illegal gambling machines to give the State the authority to order forfeiture of "any associated proceeds" of an illegal gambling machine. However, parallel changes to the procedural provisions in Title 17-A, section 959, subsections 3, 4, 5 and 6 were not made. Public Law 2005, chapter 207 corrects the omission.
2. Public Law 2005, chapter 207 replaces an outdated reference to former Title 17-A, section 1205, subsection 8 with a reference to current section 1205-C, subsections 5 and 6. Former Title 17-A, section 1205, subsection 8 was repealed by Public Law 1999, chapter 246.
3. Public Law 2005, chapter 207 corrects an oversight by adding "reckless conduct; assault" under the Maine Revised Statutes, Title 19-A, section 4011, subsection 4 to the provisions regarding the violation of a protective order under Title 17-A, section 506-B, which pertains to a person who is subject to a protective order issued under Title 19-A and violates that order. The Class C violation under Title 19-A, section 4011, subsection 4 was enacted in Public Law 2001, chapter 420, and the crime was never added to Title 17-A, section 506-B, which lists each type of protective order.
4. Public Law 2005, chapter 207 also clarifies the application of the increased good time authorized pursuant to Public Law 2003, chapter 711 by indicating that the new increases in good time apply only to crimes other than sex offenses and domestic violence offenses. For these crimes, as well as for murder, the prior good time provisions apply.

**LD 984**

**An Act To Amend the Crime of Escape**

**PUBLIC 63**

Sponsor(s)

Committee Report  
OTP

Amendments Adopted

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

LD 984 proposed to clarify that the Maine Revised Statutes, Title 17-A, section 755, subsection 1-D addresses 2 post-arrest escapes: an unauthorized departure from custody following an arrest prior to being transported from the scene and an unauthorized departure following an arrest while being transported to an initial place of detention or a courthouse. The bill proposed that a courthouse is expressly included to cover an escape from a court-ordered arrest in which the court has ordered the person to be brought directly before the court following the arrest. The bill proposed to remove the reference to "or any other facility enumerated in subsection 3", because subsection 3 includes facilities not relevant to the post-arrest escapes addressed in subsection 1-D. The bill also proposed to specify that the culpable state of mind element, "intentionally," must accompany the prohibited conduct, which is consistent with all the other forms of escape described in Title 17-A, section 755.

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

Public Law 2005, chapter 63 clarifies that the Maine Revised Statutes, Title 17-A, section 755, subsection 1-D addresses 2 post-arrest escapes: an unauthorized departure from custody following an arrest prior to being transported from the scene and an unauthorized departure following an arrest while being transported to an initial place of detention or a courthouse. A courthouse is expressly included to cover an escape from a court-ordered arrest in which the court has ordered the person to be brought directly before the court following the arrest. The reference to "or any other facility enumerated in subsection 3" is removed, because subsection 3 includes facilities not relevant to the post-arrest escapes addressed in subsection 1-D. Public Law 2005, chapter 63 also specifies that the culpable state of mind element, "intentionally," must accompany the prohibited conduct, which is consistent with all the other forms of escape described in Title 17-A, section 755.

### **LD 1018                      An Act To Require a Criminal Background Check for the Initial                      CARRIED OVER Licensure of Emergency Medical Services Personnel**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYKES	OTP-AM    MAJ OTP-AM    MIN	H-472

LD 1018 proposed to specify that a criminal background check is required only for an applicant for initial licensure as an emergency medical services person. For purposes of EMS licensing now, pursuant to board policy a person must renew a background check every 3 years. The board is authorized by law to establish EMS licensing requirements.

**Committee Amendment "A" (H-472)** was the majority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment proposed to clarify what is intended by a criminal history record check and to conform the language and the process to other statutes regarding the use of criminal history record information for employment or licensing purposes. In order to ensure that all licensed emergency medical services providers are subject to a criminal history record check, the amendment also proposed to specify that those persons who already have a license to provide emergency medical services but never had a criminal history record check must submit to a check at the time they apply for license renewal. Applicants who were subject to a criminal history record check at initial licensure would not be subject to a check at renewal.

**Committee Amendment "B" (H-473)** was the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment proposed to clarify what is intended by a criminal history record check