

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

*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

Enacted law summary

Public Law 2005, chapter 450 expands the crimes of unlawful sexual contact and unlawful sexual touching by prohibiting a psychiatrist, psychologist or licensed social worker or a purported psychiatrist, psychologist or licensed social worker from engaging in sexual contact or sexual touching with a patient or client undergoing mental health therapy by the treating psychiatrist, psychologist or licensed social worker. This change makes the crimes of unlawful sexual contact and unlawful sexual touching consistent with the crime of gross sexual assault in 17-A MRSA, section 253, subsection 2, paragraph I.

LD 1254

An Act Concerning Concealed Firearms Permits

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P HOTHAM	ONTP	

LD 1254 proposed to repeal and replace the concealed firearms permit reciprocity law with a provision that would allow:

1. A person from another state to carry a concealed firearm in Maine if that person has a permit to carry a concealed firearm issued by a state that grants reciprocity to concealed firearms permits issued by Maine; or
2. A person to carry a concealed firearm in Maine if that person's state does not require any permit to carry a concealed firearm.

LD 1271

An Act Regarding Criminal Use of an Electronic Weapon

PUBLIC 264

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLANCHETTE DIAMOND	OTP-AM	H-449

LD 1271 proposed to create the Class D crime of possession of an electronic weapon. The bill proposed that a person is guilty of possession of an electronic weapon if the person possesses an electronic weapon. The bill also proposed that that persons excepted from the new crime of possession include law enforcement officers and corrections officers while carrying out their duties and if their appointing authority has authorized use of the weapon and suppliers of electronic weapons.

Committee Amendment "A" (H-449) proposed to replace the bill and to criminalize the intentional, knowing or reckless use of an electronic weapon by a person against another human being with 2 exceptions. First, the amendment proposed that the crime not apply to the use of an electronic weapon by a law enforcement officer, corrections officer or corrections supervisor while engaged in the performance of public duty if an appointing authority has authorized such use of an electronic weapon under the circumstance. Second, the amendment proposed that the crime not apply to the use of electronic weapons by persons when legally entitled to employ deadly force to protect themselves or 3rd persons pursuant to the Maine Revised Statutes, Title 17-A, section 108, subsection 2 or to defend their dwelling places pursuant to Title 17-A, section 104, subsections 3 and 4. The

Joint Standing Committee on Criminal Justice and Public Safety

amendment proposed that criminal use of an electronic weapon is a Class D crime and that "electronic weapon" be defined similarly to the term in the bill except that the weapon be "designed to have a disabling effect upon human beings" rather than "to cause bodily injury or serious bodily injury to a person" as originally proposed.

Enacted law summary

Public Law 2005, chapter 264 criminalizes the intentional, knowing or reckless use of an electronic weapon by a person against another human being with 2 exceptions. First, the crime does not apply to the use of an electronic weapon by a law enforcement officer, corrections officer or corrections supervisor while engaged in the performance of public duty if an appointing authority has authorized such use of an electronic weapon under the circumstance. Second, the crime does not apply to the use of electronic weapons by persons when legally entitled to employ deadly force to protect themselves or 3rd persons pursuant to the Maine Revised Statutes, Title 17-A, section 108, subsection 2 or to defend their dwelling places pursuant to Title 17-A, section 104, subsections 3 and 4. Criminal use of an electronic weapon is a Class D crime. "Electronic weapon" is defined as a weapon "designed to have a disabling effect upon human beings." The definition is intended to include, but not be limited to, stun gun weapons, such as Tasers.

LD 1308 **Resolve, To Standardize Procedures for Photographic Lineups** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS J	ONTP MAJ OTP MIN	

LD 1308 proposed to require the Board of Trustees of the Maine Criminal Justice Academy to study the photographic lineup identification procedures used by law enforcement agencies and develop recommended uniform procedures to be used by all law enforcement agencies in the State to conduct photographic lineups. The bill proposed that the Board of Trustees report its findings and necessary implementing legislation to the Legislature by January 15, 2006.

LD 1321 **An Act To Establish a Process for the Civil Commitment of Certain Sexual Offenders** **ONTP**

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

LD 1321 proposed to provide a procedure for the commitment of a person determined to be a sexually violent predator if a court finds that the person has a mental abnormality or personality disorder that makes it likely that the person will engage in predatory acts of sexual violence if not confined in a secure facility. LD 1321 proposed to provide protections to a person subject to commitment and to provide care and treatment. The bill proposed that a commitment is subject to annual review and that notice of release or discharge is required for victims, witnesses and other persons identified by the prosecuting attorney. This bill proposed to designate the Commissioner of Corrections and the Commissioner of Health and Human Services as responsible for providing secure facilities for sexually violent predators. This bill also proposed to coordinate release from a secure facility for sexually violent predators with supervised release for sex offenders under the Maine Revised Statutes, Title 17-A, chapter 50.