

MAINE STATE LEGISLATURE

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STATE OF MAINE
117TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
CRIMINAL JUSTICE

AUGUST 1995

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**ONE HUNDRED AND SEVENTEENTH LEGISLATURE
FIRST REGULAR SESSION**

**SUMMARY OF LEGISLATION BEFORE
THE JOINT STANDING COMMITTEES**

AUGUST 1995

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries. The publication, History and Final Disposition of Legislative Documents, is helpful in determining to which committee any particular bill was referred.

In this document, the committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. All adopted amendments are listed, by paper number, together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various categories of final action are abbreviated as follows:

CARRIED OVER	<i>Bill carried over to Second Session</i>
CON RES XXX	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
CONF CMTE UNABLE TO AGREE	<i>Committee of Conference unable to agree; bill died</i>
DIED BETWEEN BODIES	<i>House & Senate disagree; bill died</i>
DIED ON ADJOURNMENT	<i>Action incomplete when session ended; bill died</i>
EMERGENCY	<i>Enacted law takes effect sooner than 90 days</i>
FAILED EMERGENCY ENACTMENT	<i>Emergency bill failed to get 2/3 vote</i>
FAILED ENACTMENT	<i>Bill failed to get majority vote</i>
FAILED MANDATE ENACTMENT	<i>Bill imposing local mandate failed to get 2/3 vote</i>
INDEF PP	<i>Bill Indefinitely Postponed</i>
ONTP	<i>Ought Not to Pass report accepted</i>
P&S XXX	<i>Chapter # of enacted Private & Special Law</i>
PUBLIC XXX	<i>Chapter # of enacted Public Law</i>
RESOLVE XXX	<i>Chapter # of enacted Resolve</i>
UNSIGNED	<i>Not signed by Governor within 10 days</i>
VETO SUSTAINED	<i>Legislature failed to override Governor's Veto</i>

These summaries were prepared by the analyst or analysts assigned to the committee. If more detailed information is needed on a bill, contact the committee analyst.

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This bill also would have required the Division of Probation and Parole and the Department of Public Safety, State Bureau of Identification to report all registration information to the law enforcement agency for the locality in which the sex offender resided or planned to reside.

By January 1, 1996, the Commissioner of Public Safety would have had to develop regulations for the dissemination of information regarding sex offenders by local law enforcement agencies.

The issue of public notification of sex offenders released from jail has been carried over into the 2nd Regular Session. LD 1510, "An Act to Make Comprehensive Changes to Sex Offender Laws," will be used to incorporate all potential changes.

LD 1509 An Act to Prohibit the Sale of Firearms to Minors without Parental Approval

PUBLIC 263

SPONSOR(S)
CLEVELAND

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
S-199

SUMMARY

This bill creates the Class C crime of transferring a firearm to a minor.

COMMITTEE AMENDMENT "A" (S-199) replaces section 3 of the bill. The amendment creates a new Class D crime of unlawful transfer of a firearm to a minor. A person who is not the parent, foster parent or guardian of the transferee is guilty of transferring a firearm to a minor if the person to whom the firearm is transferred is in fact a minor.

The amendment creates 2 affirmative defenses to the crime of unlawful transfer of a firearm to a minor. If the transferor reasonably believed the other person was 16 years of age or older, and that belief is not based only on the appearance or word of the other person but on a picture identification, driver's license or similar method for determining the transferee's identity, it is an affirmative defense. If the parent or guardian of the minor approves the transfer of a firearm to a minor, it is also an affirmative defense.

The amendment also adds a fiscal note to the bill.

LD 1510 An Act to Make Comprehensive Changes to the Sex Offender Laws

CARRIED OVER

SPONSOR(S)
PINGREE

COMMITTEE REPORT

AMENDMENTS ADOPTED

SUMMARY

This bill would make comprehensive changes to the laws involving sex offenders, including the following.

1. All judges and justices would be required to attend a conference on sexual abuse.
2. The statute of limitations for civil actions involving sexual acts toward minors would be changed to allow actions to be brought up to 5 years after the victim reaches the age of majority.
3. All trials in which the defendant is accused of a sex offense against a minor would have to be conducted in a speedy fashion.

4. The court would be required to sentence a person convicted of a 2nd sex offense to the maximum term allowed under the law. Prior to early release, the sex offender would be required to participate in and successfully complete a treatment program for sex offenders administered by the Department of Corrections. The court could also order the garnishment of up to 50% of an offender's wages to pay for the counseling of the victim.
5. In an action involving sexual abuse by a person against a minor who is a resident of the same household, the court would be required to order the defendant to vacate the household. The court could not remove the child from the household unless it found that the child was in danger.
6. The Sex Offender Registration Act would be repealed and reenacted to make the following changes.
 - A. The application of the Act would be expanded to apply to persons convicted of sex offenses, as defined.
 - B. A sex offender would be under a continuing obligation to report any change of address and to register with the sheriff of the county in which the sex offender planned to reside.
 - C. The sheriff would be required to report all information received from a sex offender to a central registry maintained by the Department of Public Safety.
 - D. A schedule would be established for duration of registration based upon the class of the crime.
 - E. Penalties for failure to register would be established.
7. The Department of Education and the Department of Public Safety would be directed to develop and implement a program of education and prevention of sex abuse for use in elementary and middle schools.
8. The Department of Corrections would be required to develop and administer a program for the treatment and counseling of inmates convicted of sex offenses. The department would also be directed to study alternative sentencing options for persons convicted of sex offenses and to report back to the Legislature.

LD 1539 An Act to Permit a One-time Transfer of Uncommitted Funds for Community Corrections Programs

PUBLIC 461
EMERGENCY

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

H-509

SUMMARY

This bill was originally part of the Criminal Justice Committee's proposed amendments to LD 706, "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1996 and June 30, 1997." This part was then removed from the budget bill and, pursuant to joint order, reported as LD 1539, "An Act to Permit a One-time Transfer of Uncommitted Funds for Community Corrections Programs" by the Joint Standing Committee on Appropriations and Financial Affairs.

This bill permits a one-time transfer of uncommitted funds for community corrections programs to support county jail operations costs. Pursuant to the bill, the amount each county receives is its proportionate share based on the amount owed to that county as compared to the total amount owed to all counties. The bill also permits the Department of Corrections to reimburse counties prospectively when it appears that the total reimbursement will be limited by the actual amount appropriated.