

# 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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*\*Denotes Chair*



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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:

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

HOUSE AMENDMENT "C" (H-509) to the bill permits a one-time transfer of retained funds for community corrections programs to support county jail operations costs.

HOUSE AMENDMENT "A" (H-316) to the bill would have removed the emergency preamble and the emergency clause from the bill.

HOUSE AMENDMENT "B" (H-349) to the bill would have permitted a one-time transfer of uncommitted funds for community corrections programs to support county jail operations costs. Pursuant to the amendment, the amount each county received would have been based on the average daily population of its county jail during the calendar year 1994 resulting from sentences imposed under the Maine Revised Statutes, Title 17-A, section 1203, subsection 1, paragraph B and Title 17-A, section 1252, subsection 1, paragraph B.

**LD 1564      An Act to Provide Funds for the Building Alternatives Program**

**P & S 50  
EMERGENCY**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>		<b>AMENDMENTS ADOPTED</b>	
SAXL M	OTP-AM	MAJ	H-529	
BENOIT	ONTP	MIN	S-383	HANLEY

**SUMMARY**

This bill provides funding to the Building Alternatives program at the rate of \$200,000 per year. The program provides academic, vocational and interpersonal skills training over a 16-week period to juvenile offenders confined to the Maine Youth Center.

COMMITTEE AMENDMENT "A" (H-529) is the majority report and adds a fiscal note to the bill.

SENATE AMENDMENT "A" (S-383) to COMMITTEE AMENDMENT "A" (H-529) strikes the appropriation section included in the original bill. It directs the Department of Education to provide funding with federal dollars for the Building Alternatives program within the Maine Youth Center.

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