

MAINE STATE LEGISLATURE

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STATE OF MAINE
118TH LEGISLATURE

SECOND REGULAR SESSION
AND
SECOND SPECIAL SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
CRIMINAL JUSTICE

MAY 1998

MEMBERS:

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Sen. Betty Lou Mitchell

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**ONE HUNDRED EIGHTEENTH LEGISLATURE
SECOND REGULAR AND SECOND SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees
May 1998**

We are pleased to provide this summary of bills that were considered by the Joint Standing Committees of the Maine Legislature. 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 handled by the joint standing 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. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located 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:

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
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 Second Regular Session (unless otherwise specified in a particular law) is June 30, 1998 and July 9, 1998 for the Second Special Session. Second Special Session laws include Public Laws beginning with Chapter 718, Private and Special Laws beginning with Chapter 82 and Resolves beginning with Chapter 117.

The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 591 prohibits the use of deductions for good behavior from any detention dispositions of 30 days or fewer, facilitates the receipt of more federal funds for juveniles who voluntarily live outside their homes and makes technical changes consistent with the Maine Juvenile Code.

LD 2033

An Act to Create the Sex Offender Registration and Notification Act of 1998

ONTP

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

LD 2033 proposed to provide for the registration of sex offenders in the State in conformance with the federal Jacob Wetterling Act. The bill proposed to do the following:

1. Expand the scope of the definition of "sex offender" for purposes of registration;
2. Add a new category: "sexually violent predator";
3. Increase the type of identifying information for sex offenders that must be kept by the State Bureau of Identification and direct the bureau to forward registration information to the Federal Bureau of Investigation for inclusion in the national sex offender database;
4. Set guidelines for sex offender responsibilities regarding registration;
5. Establish the Board of Examiners of Sex Offenders, which must include a member of the State Forensic Service; and
6. Create a penalty for failure to comply with sex offender registration requirements.

LD 2072

An Act to Amend the Laws Regarding Sex Offenders

PUBLIC 768

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELANGER D PARADIS	OTP-AM MAJ OTP-AM MIN	H-1056 S-730 MICHAUD

LD 2072 proposed to strengthen the laws governing sex offender registration and notification by requiring law enforcement agencies to notify residents who reside within 1,000 feet of where the sex offender will reside.

Committee Amendment "A" (H-1056) replaced the bill and was the majority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to create a "safe children zone" that is defined as on or within 1,000 feet of the real property comprising a public or private elementary or secondary school or on or within

1,000 feet of the real property comprising a licensed day care center. The amendment proposed to require the court, when determining an appropriate sentence in a gross sexual assault case, to consider as an aggravating sentencing factor the fact that the gross sexual assault was committed in a safe children zone.

Effective September 1, 1998, the amendment proposed to expand the definition of "sex offender" for purposes of the Sex Offender Registration and Notification Act to include all sex offenses in the Maine Revised Statutes, Title 17-A, chapter 11 that are Class A, B or C crimes and the crime of sexual exploitation of a minor.

The amendment also proposed to require the Department of Corrections to forward to the Department of Public Safety, State Bureau of Identification the following additional information regarding a sex offender who is required to register under the Sex Offender Registration and Notification Act: the offender's risk assessment score, a copy of the risk assessment instrument and applicable contact standards for the offender. The State Bureau of Identification would then have forwarded this information to all required law enforcement agencies who would then have distributed the information to members of the public who the agencies determine are necessary to ensure public safety.

The amendment also proposed to add a fiscal note.

Committee Amendment "B" (H-1057) replaced the bill and was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to create a "safe children zone" that is defined as on or within 1,000 feet of the real property comprising a public or private elementary or secondary school or on or within 1,000 feet of the real property comprising a licensed day care center. The amendment proposed to require the court, when determining an appropriate sentence in a gross sexual assault case, to consider as an aggravating sentencing factor the fact that the gross sexual assault was committed in a safe children zone.

The amendment also proposed to require the Department of Corrections to forward to the Department of Public Safety, State Bureau of Identification the following additional information regarding a sex offender who is required to register under the Sex Offender Registration and Notification Act: the offender's risk assessment score, a copy of the risk assessment instrument and applicable contact standards for the offender. The State Bureau of Identification would then have to forward this information to all required law enforcement agencies who would then distribute the information to members of the public who the agencies determine are necessary to ensure public safety. The amendment also proposed to add a fiscal note. (Not adopted)

Senate Amendment "A" to Committee Amendment "A" (S-703) proposed to strike that portion of Committee Amendment "A" that expands the definition of "sex offender" for purposes of the Sex Offender Registration and Notification Act. (Not adopted)

Senate Amendment "B" to Committee Amendment "A" (S-730) proposed to strike that portion of Committee Amendment "A" that expands the definition of "sex offender" for purposes of the Sex Offender Registration and Notification Act.

Enacted law summary

Public Law 1997, chapter 768 creates a "safe children zone" that is defined as on or within 1,000 feet of the real property comprising a public or private elementary or secondary school on or within 1,000 feet of the real property comprising a licensed day care center. When determining the appropriate sentence in a gross sexual assault case, the court must consider as an aggravating sentencing factor the fact that the gross sexual assault was committed in a safe children zone.

Public Law 1997, chapter 768 also requires the Department of Corrections to forward to the Department of Public Safety, State Bureau of Identification the following additional information regarding a sex offender who is required to register under the Sex Offender Registration and Notification Act: the offender's risk assessment score, a copy of the risk assessment instrument and applicable contact standards for the offender. The State Bureau of Identification then must forward this information to all required law enforcement agencies who may distribute the information to members of the public who the agencies determine are necessary to ensure public safety.

LD 2080 **An Act to Enhance the Bail Requirements for Persons Charged with Murder** **ONTP**

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

LD 2080 proposed to require the Department of Corrections to complete a risk assessment on any defendant charged with murder who seeks preconviction bail, regardless of whether a Harnish bail hearing is held. The bill proposed to require the Department of Corrections to analyze the risk of the defendant's fleeing, posing a threat of harm to others and committing new criminal acts if released on bail. The department would have recommended to the court whether the defendant should be released on preconviction bail. If the court determined that bail should be set, the bill proposed that the Department of Corrections be responsible for monitoring the defendant until the time of trial.

LD 2084 **An Act to Protect Children from Sex Offenders** **ONTP**

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

LD 2084 proposed to prohibit a sex offender from residing or loitering within 1,000 feet of a school. This bill was modeled on a Delaware statute.

LD 2089 **An Act to Establish Reasonable Fees for Reports and Other Items From the Office of Chief Medical Examiner** **PUBLIC 598**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY MURRAY	OTP-AM	H-825

LD 2089 proposed to set up a fee schedule for the Office of Chief Medical Examiner providing report documents, histological slides and other items or services relating to any medical examiner case to persons entitled to them. The bill proposed to define "report documents", identify who is to be charged and permit the Chief Medical Examiner to waive the fee under certain circumstances. Finally, this bill proposed to direct that all fees collected by the Office of Chief Medical Examiner be deposited in the General Fund as undedicated revenue.