

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

FIRST REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
CRIMINAL JUSTICE**

JULY 1999

MEMBERS:

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Sen. William B. O'Gara
Sen. Paul T. Davis*

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ONE HUNDRED NINETEENTH LEGISLATURE
FIRST REGULAR SESSION

Summary Of Legislation Before The Joint Standing and Select Committees
August 1999

We are pleased to provide this summary of all bills that were considered by the Joint Standing and 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 and select 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. 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:

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
ENACTMENT FAILED..... Bill failed to get vote required for enactment or final passage
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 September 18, 1999.

6. Allow the Emergency Medical Services' Board to hold rule-making hearings regionally using current technology such as video conferencing and make clear that the board may adopt rules establishing the requirements for certification, recertification and decertification of persons engaged in emergency medical services education and training;
7. Provide for the certification and decertification of emergency medical services persons on a statewide rather than a regional basis; and
8. Expand the responsibilities of the Emergency Medical Services' Board to include the creation of a statewide quality assurance and improvement committee.

This bill was submitted on behalf of the Department of Public Safety.

Committee Amendment "A" (H-301) proposed to make several technical changes and add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 182 amends the laws regarding emergency medical services as follows.

1. It makes the position of Director of Maine Emergency Medical Services a major policy-influencing position and deletes language that requires the Governor to set the director's salary.
2. It amends the definitions of "ambulance attendant," "basic emergency medical technician" and "protocol." It also creates new definitions for "first responder" and "Medical Direction and Practices Board."
3. It allows the Medical Direction and Practices Board to define protocols for the emergency medical services system.
4. It makes minor technical changes in the language regarding the minimum requirements for initial licensing of emergency medical services persons.
5. It allows flight nurses to care for patients being transported by ambulance from the scene of an emergency.
6. It allows the Emergency Medical Services' Board to hold rule-making hearings regionally using current technology such as video conferencing. It also makes it clear that the board may adopt rules establishing the requirements for certification, recertification and decertification of persons engaged in emergency medical services education and training.
7. It provides for the certification and decertification of emergency medical services persons on a statewide rather than a regional basis.
8. It expands the responsibilities of the Emergency Medical Services' Board to include the creation of a statewide quality assurance and improvement committee.

LD 1539

An Act to Require More Timely Court-ordered Psychological Evaluations

PUBLIC 373

Sponsor(s)
MACDOUGALL

Committee Report
OTP-AM

Amendments Adopted
H-534

LD 1539 proposed to change the time frame for the completion of a court-ordered mental examination of an incarcerated person accused of a crime from 90 days to 30 days from the date of arrest.

Committee Amendment "A" (H-534) proposed to require that a court-ordered examination of a defendant before trial must be completed within 45 days of the arrest if the defendant is incarcerated. It also proposed to require the State Forensic Service to notify the court when the examination is completed.

Enacted law summary

Public Law 1999, chapter 373 changes the time frame for the completion of a court-ordered mental examination of an incarcerated person accused of a crime from 90 days to 45 days from the date of arrest. Public Law 1999, chapter 373 also requires the State Forensic Service to notify the court when the examination is completed.

Note: LD 2252, An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine, Public Law 1999, chapter 510 amends Public Law 1999, chapter 373. Public Law 1999, chapter 510 corrects misuse of the word "arrest." A psychological evaluation must be completed within 45 days from the date of the court order instead of the date of the defendant's arrest.

LD 1566 **An Act to Clarify the Definition of Terms Relating to Scheduled Drugs** **PUBLIC 239**

<u>Sponsor(s)</u> SCHNEIDER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-420
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LD 1566 proposed to clarify the definition of "cultivate" as it relates to the prohibition against growing marijuana. The bill proposed to limit to 1 1/4 ounces the amount of marijuana a person may possess and be subject to civil, as opposed to criminal, penalties. This bill was the recommendation of the Attorney General.

Committee Amendment "A" (H-420) proposed to strike section 2 of the bill that defines "usable amount of marijuana" as a usable amount weighing not more than 1 1/4 ounces.

Enacted law summary

Public Law 1999, chapter 239 clarifies the definition of "cultivate" as it relates to the prohibition against growing marijuana. "Cultivate" means to sow a seed; to grow, raise or tend a plant; to harvest a plant; or to knowingly possess a plant.

LD 1572 **An Act to Establish Lifetime Probation for Multiple Sex Offenders** **ONTP**

<u>Sponsor(s)</u> O'BRIEN L		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1572 proposed to require that a person convicted of a Class A, B or C sex offense who has two or more other convictions of any Class A, B or C sex offense or a comparable offense in another jurisdiction must be placed on probation for life or sentenced to a term of imprisonment of 15 years. As proposed, if the person is placed on probation for life, the person may be sentenced to a term of imprisonment up to 15 years, and if the person is sentenced to a term of imprisonment of 15 years, the person may be placed on any period of probation up to life.

LD 1575 **An Act to Criminalize Internet Dissemination of Child Pornography** **PUBLIC 444**