

# 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](http://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.

| <u>Sponsor(s)</u>    | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|----------------------|-------------------------|---------------------------|
| WHEELER E<br>KIEFFER | ONTP                    |                           |

LD 1698 proposed to allow counties to recapture part of the cost of booking inmates.

**LD 1708                      An Act to Amend the Home-release Monitoring Program                      PUBLIC 247**

| <u>Sponsor(s)</u>    | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|----------------------|-------------------------|---------------------------|
| WHEELER E<br>KIEFFER | OTP-AM                  | H-417                     |

LD 1708 proposed to amend the home-release monitoring program to allow an inmate to be released and monitored electronically or to be intensively supervised, pursuant to standards established by the Commissioner of Corrections for intensive supervision. The bill also proposed to expand the eligibility requirements for the program. Current law requires a person serving a sentence of less than 30 days to actually serve at least 2/3 of the sentence and a person serving a sentence of 30 days or more to serve at least 1/2 of the sentence before the person may participate in home release monitoring. The bill proposed to change the minimum times to 2 days and 5 days, respectively. The bill also proposed to repeal the provision that limits eligibility for home-release monitoring to persons serving Class C, D, or E crimes or offenses under the inland fisheries and wildlife or motor vehicle laws.

**Committee Amendment "A" (H-417)** proposed to remove that part of the bill that deletes the limitation for the home-release monitoring program concerning the crime for which the inmate is serving the sentence. The amendment proposed to change the limitations for eligibility by deleting the requirement that the inmate have no history of escape or violent behavior and by adding that the offense for which the inmate is serving a sentence is not a sex offense. It also proposed to change the minimum time an inmate must serve to be eligible for home-release monitoring to one-third of the sentence for all sentences and to add a fiscal note to the bill.

***Enacted law summary***

Public Law 1999, chapter 247 amends the home-release monitoring program to allow an inmate to be released and monitored electronically or to be intensively supervised, pursuant to standards established by the Commissioner of Corrections for intensive supervision. Public Law 1999, chapter 247 changes the limitations for eligibility by deleting the requirement that the inmate have no history of escape or violent behavior and by adding that the offense for which the inmate is serving a sentence is not a sex offense. It also changes the minimum time an inmate must serve to be eligible for home-release monitoring to one-third of the sentence for all sentences.

**LD 1721                      An Act to Create the Sex Offender Registration and Notification Act of 1999                      PUBLIC 437**

| <u>Sponsor(s)</u>   | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|-------------------------|---------------------------|
| MURRAY<br>O'BRIEN L | OTP-AM                  | H-679 COLWELL<br>S-332    |

LD 1721 proposed to create the Sex Offender Registration and Notification Act of 1999, which provides for the registration of sex offenders and sexually violent predators in order to conform with federal law. The bill proposed to expand the scope of the definition of "sex offender" for purposes of registration to include juveniles and adults convicted of a sex offense.

The bill proposed to add “sexually violent predator” as a new category of persons who must register.

The bill proposed to increase the type of identifying information for sex offenders and sexually violent predators 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. The bill proposed to set guidelines for sex offender responsibilities regarding registration and creates a Class D crime for failure to comply with sex offender registration requirements, which may be enhanced to a Class C crime if offender has 2 or more violations.

The bill also proposed that no changes be made to the current notification law and proposed to establish a provision to grant law enforcement officials immunity from liability for release of sex offender information.

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

**Committee Amendment "A" (S-332)** proposed to clarify which offenses fall under the definitions of "sex offender" and "sexually violent predator" for purposes of registration. The amendment also proposed to clarify that only a notation that an offender received treatment is necessary for purposes of registration. The amendment proposed to require sex offenders and sexually violent predators to pay an initial \$25 fee for registration and an annual \$25 fee on the anniversary of their registration for registration and domicile verification. The amendment also proposed to add an appropriation, an allocation and a fiscal note to the bill.

**House Amendment "A" (H-679)** was presented on behalf of the Committee on Engrossed Bills and proposed to correctly identify persons to whom the bill applies.

***Enacted law summary***

Public Law 1999, chapter 437 creates the Sex Offender Registration and Notification Act of 1999, which provides for the registration of sex offenders and sexually violent predators in order to conform with federal law. Public Law 1999, chapter 437 expands the scope of the definition of “sex offender” for purposes of registration to include juveniles and adults convicted of a sex offenses.

Public Law 1999, chapter 437 adds “sexually violent predator” as a new category of persons who must register.

Public Law 1999, chapter 437 increases the type of identifying information for sex offenders and sexually violent predators that must be kept by the State Bureau of Identification and directs the bureau to forward registration information to the Federal Bureau of Investigation for inclusion in the national sex offender database. Public Law 1999, chapter 437 sets guidelines for sex offender responsibilities regarding registration and creates a Class D crime for failure to comply with sex offender registration requirements, which may be enhanced to a Class C crime if offender has 2 or more violations.

Public Law 1999, chapter 437 requires sex offenders and sexually violent predators to pay a fee to cover the costs of registration and verification of registration.

Public Law 1999, chapter 437 does not change the current notification process.

**LD 1758**

**An Act to Amend the Victims' Compensation Fund Law**

**PUBLIC 360**

Sponsor(s)  
MCGLOCKLIN  
O'GARA

Committee Report  
OTP-AM

Amendments Adopted  
H-421  
H-465 POVICH

LD 1758 proposed to: