

# MAINE STATE LEGISLATURE

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*State Of Maine  
120th Legislature*

*First Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Criminal Justice*

*August 2001*

**Members:**

*Sen. Michael J. McAlevey, Chair  
Sen. William B. O'Gara  
Sen. Paul T. Davis*

*Rep. Edward J. Povich, Chair  
Rep. Michael W. Quint  
Rep. Charles E. Mitchell  
Rep. Lillian LaFontaine O'Brien  
Rep. Patricia A. Blanchette  
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Rep. Judith B. Peavey  
Rep. Edgar Wheeler  
Rep. James H. Tobin, Jr.  
Rep. Lois A. Snowe-Mello*

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**120th Legislature**  
**First Regular Session**

**Summary Of Legislation Before The Joint Standing Committees**  
**August 2001**

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 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*  
*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*  
*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 21, 2001**.

*David E. Boulter, Director*  
 Offices Located in the State House, Rooms 101/107/135

## Joint Standing Committee on Criminal Justice

LD 903 proposed to expand upon the present law by allowing a county sheriff to recoup from another agency the cost of training a corrections officer when the other agency hires the officer within 5 years of the officer's graduation from the academy. Current law allows law enforcement agencies to recoup from another law enforcement agency the cost of training a law enforcement officer at the Maine Criminal Justice Academy, when that other agency hires the officer within 5 years of the officer's graduation from the academy.

**LD 908**                      **Resolve, to Establish Clear Guidelines for Protecting the Safety of Victims of Domestic Violence**                      **ONTP**

<u>Sponsor(s)</u> DOUGLASS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 908 proposed to direct the Commissioner of Public Safety to develop a protocol for dealing with domestic violence cases. As proposed, once the protocol is complete, the commissioner would have been directed to distribute copies of the protocol to municipal police departments and county sheriff departments. The Maine Criminal Justice Academy would have been required to incorporate the protocol into its training program.

**LD 929**                      **An Act to Amend the Supervised Community Confinement Law**                      **PUBLIC 141**

<u>Sponsor(s)</u> PEAVEY DAVIS P		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-163
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LD 929 proposed to amend the supervised community confinement law by requiring that a prisoner who has a term of imprisonment of more than 5 years may be transferred to supervised community confinement after serving 2/3 of that time, and a prisoner who has a term of imprisonment of 5 years or less may be transferred after serving 1/2 of the term of imprisonment. Currently, a prisoner may not be transferred to supervised community confinement unless the prisoner has less than 12 months left on the term of imprisonment. This bill proposed to change that time to 18 months. The bill also proposed to allow a terminally ill prisoner to serve out the rest of the prisoner's term of confinement in a hospital or hospice.

**Committee Amendment "A" (H-163)** proposed to maintain a provision of the supervised community confinement law that prohibits any prisoner from being eligible for supervised community confinement unless the prisoner has no more than one year remaining on the term of imprisonment. The amendment also proposed to clarify the language of the bill concerning release of terminally ill inmates for end-of-life care. The amendment proposed to provide that the prisoner must live in a hospital or other appropriate care facility, such as a nursing facility or residential care facility, approved by the Commissioner of Corrections. The amendment also proposed to allow a prisoner to receive hospice services.

### *Enacted law summary*

## Joint Standing Committee on Criminal Justice

Public Law 2001, chapter 141 amends the supervised community confinement law by requiring that a prisoner who has a term of imprisonment of more than 5 years may be transferred to supervised community confinement after serving 2/3 of that time, and a prisoner who has a term of imprisonment of 5 years or less may be transferred after serving 1/2 of the term of imprisonment. Public Law 2001, chapter 141 also allows a terminally ill prisoner to serve out the rest of the prisoner's term of confinement in a hospital or other appropriate care facility and to receive hospice services.

**LD 935**                      **An Act to Enhance Sentences for Individuals Convicted of Sexually Abusing Children**                      **ONTP**

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

LD 935 proposed to specify that the court shall sentence persons convicted of gross sexual assault to the following minimum periods of imprisonment: if the victim was less than 7 years of age at the time of the offense, a minimum of 20 years; if the victim was more than 7 years of age but less than 14 years of age at the time of the offense, a minimum of 15 years; or if the victim was more than 14 years of age but less than 18 years of age at the time of the offense, a minimum of 10 years. The bill also would have specified that an offense of gross sexual assault in which the victim was less than 18 years of age at the time of the offense could not be charged as a lesser crime, but must be charged as a violation of the Maine Revised Statutes, Title 17-A, section 253. The court could not suspend any part of the term of imprisonment sentenced for a person convicted of gross sexual assault against a person who was under 18 years of age at the time of the offense.

**LD 936**                      **Resolve, Directing a Study of the Creation of a Fire and Emergency Services Academy**                      **RESOLVE 22 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY MCNEIL	OTP-AM	H-295 POVICH S-74

LD 936, an emergency resolve, proposed to direct the Department of Public Safety to develop a plan to create and implement the State Fire and Emergency Medical Services Academy as part of the Maine Criminal Justice Academy.

**Committee Amendment "A" (S-74)** proposed to replace the resolve. This amendment proposed to:

1. Direct the Maine Fire Protection Services Commission to study the need and feasibility of creating a central fire fighting training facility in the State and to report its recommendations to the Joint Standing Committee on Criminal Justice by January 1, 2002;