

# 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  
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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

3. It clarifies that persons committed to the custody of the Department of Corrections have a right to adequate mental health treatment.

Public Law 2001, chapter 458 was enacted as an emergency measure effective June 28, 2001. (See HP 1383, a Joint Study Order that incorporated Part B of Committee Amendment "A" to LD 1099 and established the Committee to Study the Needs of Persons with Mental Illness Who Are Incarcerated.)

**LD 1119**                      **An Act to Limit Access to Firearms by Those Subject to Protection from Abuse Orders**                      **DIED ON CONCURRENCE**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL C EDMONDS	OTP-AM    MAJ ONTP        MIN	

LD 1119 proposed to give judges discretion to remove firearms from a person's possession when the person was the subject of a temporary protection from abuse order. The bill also would have prohibited the issuance of a concealed firearms permit to a person who was the subject of a protective order and specified that the person could not apply to receive a concealed firearms permit until at least 2 years after the person was no longer the subject of the protective order. If a concealed firearms permit holder became the subject of a protective order, that person's permit would be revoked. That person could not reapply for a permit for at least 2 years after the person was no longer the subject of the protective order.

**Committee Amendment "A" (H-469)** replaced the bill and was the majority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to give the court authority to prohibit a person who was the subject of a temporary protection from abuse order from possessing a firearm or other dangerous weapon for the duration of the order, if the court determined that the defendant had a history of violence. The amendment also proposed to add a fiscal note. This amendment was not adopted.

**Senate Amendment "A" to Committee Amendment "A" (S-243)** proposed to give the court authority to prohibit a person who was the subject of a temporary protection from abuse order from possessing a firearm or other dangerous weapon for the duration of the order if the defendant had a record of violent behavior or had threatened to use a dangerous weapon against the plaintiff or a member of the plaintiff's household. This amendment was not adopted.

**LD 1123**                      **An Act Concerning Runaways**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPREY YOUNGBLOOD	ONTP        MAJ OTP-AM     MIN	

## Joint Standing Committee on Criminal Justice

LD 1123 proposed to change the time that a juvenile may be taken into interim care by a law enforcement officer to 18 hours. The bill was intended to more reasonably facilitate identification of the juvenile and reunification of the juvenile with the juvenile's family.

**Committee Amendment "A" (H-271)** proposed to change the time that a juvenile may be taken into interim care to 12 hours. This amendment was not adopted.

<b>LD 1128</b>	<b>Resolve, Directing the Department of Corrections to Include in its Plan for a Long-term Care or Hospice Facility Administered by the Department of Corrections Resources and Costs Necessary to Provide Long-term or Hospice Care to County Jail Inmates and Presence Detainees</b>	<b>RESOLVE 62</b>
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<u>Sponsor(s)</u> DUDLEY MCALEVEY	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1128 proposed to require that when the Department of Corrections develops its plan for building and administering a long-term care or hospice facility for the treatment of prisoners, the department also shall include a break out in that plan of the resources and costs of providing long-term and hospice care to county jail inmates and presence detainees held in county jails.

***Enacted law summary***

Resolve 2001, chapter 62 requires that when the Department of Corrections develops its plan for building and administering a long-term care or hospice facility for the treatment of prisoners, the department also shall include a break out in that plan of the resources and costs of providing long-term and hospice care to county jail inmates and presence detainees held in county jails.

<b>LD 1130</b>	<b>An Act to Provide for a Minimum Sentence and Limit the Use of Plea Bargaining in the Death of a Child 6 Years of Age or Younger</b>	<b>ONTP</b>
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<u>Sponsor(s)</u> NASS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1130 proposed to specify that for the crime of manslaughter, if the victim of the crime was a child who had not in fact attained 6 years of age at the time the crime was committed, the court would have had to impose a sentencing alternative involving a term of imprisonment of at least 25 years, none of which could have been suspended. Current law provides a minimum term of imprisonment of 25 years for a person convicted of murder. This bill proposed that a person convicted of manslaughter of a victim less than 6 years of age would have also received a term of imprisonment of at least 25 years.