

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
Rep. Stanley J. Gerzofsky
Rep. Judith B. Peavey
Rep. Edgar Wheeler
Rep. James H. Tobin, Jr.
Rep. Lois A. Snowe-Mello*

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Maine State Legislature
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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).

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 1397 **An Act to Require the State to Post the Name, Picture and Location of an Individual who is Convicted of a Child Sex Crime** **ONTP**

<u>Sponsor(s)</u> MATTHEWS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1397 proposed to amend the Sex Offender Registration and Notification Act of 1999 by adding requirements to the public notification provisions. The bill would have required that the Department of Corrections post the name and addresses where a sex offender or sexually violent predator would reside and work upon release if the victim was under 18 years of age at the time of the offense.

LD 1423 **An Act to Amend the Law Regarding the Release of the Identity of Certain Juveniles Accused of Crimes** **ONTP**

<u>Sponsor(s)</u> BUMPS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1423 proposed to allow the release of the identity of 16-year-olds and 17-year-olds charged with juvenile crimes.

LD 1432 **An Act to Encourage Greater Acquisition, Deployment and Use of Automated External Defibrillators** **PUBLIC 364**

<u>Sponsor(s)</u> BUMPS		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u> H-569 S-294 MARTIN
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LD 1432 proposed to require certain training for designated uses of a defibrillator; to require notification of the use of a defibrillator to the emergency medical services system; to require activation of the emergency medical services system in an emergency situation where a defibrillator is used; and to provide immunity from liability for persons who use a defibrillator.

Committee Amendment "A" (H-569) was the majority report of the Joint Standing Committee on Criminal Justice and proposed to replace the bill. This amendment proposed:

1. To prohibit a person other than a health care provider from using an automated external defibrillator without proper training;
2. To prohibit a person other than a health care provider from using an AED unless the person had called the appropriate emergency services number;

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3. To require a person who owns or leases an AED to consult with a licensed physician for technical assistance in the selection and storage location of an AED, training of potential operators, protocols for use and use review; notify the Department of Public Safety, Maine Emergency Medical Services of the existence, location and type of AED the person possesses and the clinical use made of the AED; and maintain and test the AED in accordance with the applicable standards of the manufacturer and any standards prescribed by the Department of Human Services;
4. To clarify that the current immunity provided for a person who renders emergency treatment to another person in need of assistance is not affected by the establishment of the new requirements for the use of an AED; and
5. To add a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-282) proposed to strike the provision of Committee Amendment "A" that would have prohibited a person from using an automated external defibrillator, or AED, unless that person placed a call to the appropriate emergency services personnel. Instead, this amendment proposed to prohibit the use of an AED unless the person was able to communicate with emergency personnel and those emergency personnel were able to reach the scene of the emergency in a reasonable period of time. This amendment was not adopted.

Senate Amendment "B" to Committee Amendment "A" (S-294) proposed to allow a person to use an automated external defibrillator, or AED, if the person was certified in the use of an AED and, if communication was possible, the person had attempted to contact emergency services personnel.

Enacted law summary

Public Law 2001, chapter 364 does the following.

1. It prohibits a person other than a health care provider from using an automated external defibrillator (AED) unless that person is certified in the use of an AED, and, if communication is possible, the person has attempted to contact emergency services personnel.
2. It requires a person who owns or leases an AED to consult with a licensed physician for technical assistance in the selection and storage location of an AED, training of potential operators, protocols for use and use review; to notify the Department of Public Safety, Maine Emergency Medical Services of the existence, location and type of AED the person possesses and the clinical use made of the AED; and to maintain and test the AED in accordance with the applicable standards of the manufacturer and any standards prescribed by the Department of Human Services.
3. It clarifies that the current immunity provided for a person who renders emergency treatment to another person in need of assistance is not affected by the establishment of the new requirements for the use of an AED.