

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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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

inclusion in the DNA database at the Maine State Police Crime Laboratory solicitation of a child by a computer to commit a prohibited act beginning October 1, 2001.

The amendment also proposed to repeal the provision that subjects a juvenile adjudicated of committing a juvenile crime that, if committed by an adult, would constitute an offense listed in the DNA Data Base and Data Bank Act from the testing requirements of that Act. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 325 expands the list of offenses that require DNA sample collection from a convicted offender for inclusion in the DNA database at the Maine State Police Crime Laboratory to include all Class A, B and C crimes and solicitation of a child by a computer to commit a prohibited act beginning October 1, 2001.

Public Law 2001, chapter 325 also repeals the provision that subjects a juvenile adjudicated of committing a juvenile crime that, if committed by an adult, would constitute an offense listed in the DNA Data Base and Data Bank Act from the testing requirements of that Act.

LD 1596

An Act to Amend the Maine Emergency Medical Services Act of 1982

PUBLIC 229

<u>Sponsor(s)</u> MCALEVEY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-145
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LD 1596 proposed to amend the Maine Emergency Medical Services Act of 1982 to:

1. Provide that advanced medical treatment protocols established by the board apply in all regions of the state (removes authority for regional protocols to be more strict);
2. Amend the requirements governing ambulance transport to require that all patients must be accompanied either by a physician, a person licensed to provide emergency care or a specialized medical team approved by the Emergency Medical Services' Board;
3. Authorize the board to issue warnings, suspend licenses or impose conditions on probation and impose civil penalties up to \$1,500 for violations of the Maine Emergency Medical Services Act, board rules or license terms; it also allows the board to delegate this authority to a subcommittee or to staff and provides that a decision by a subcommittee or staff may be appealed to the board; a decision of the board may be appealed to the Superior Court (currently an appeal from the board must first be made to the commissioner of DPS and then to court);
4. Provide that investigative records of the board become public upon conclusion of the investigation (unless they are confidential by operation of other applicable law);
5. Allow investigative records to be disclosed to certain people under certain conditions; and

Joint Standing Committee on Criminal Justice

6. Provide that reports, information and records provided to an EMS quality assurance committee are confidential and exempt from discovery.

Committee Amendment "A" (S-145) proposed to make a variety of technical changes to the bill. The amendment proposed to add a new section clarifying that the Emergency Medical Services' Board, its committees or staff may issue letters of guidance or concern to applicants or licensees. The amendment also proposed to clarify provisions relating to confidentiality, release and discoverability of certain information and records and to provide that all reports, information and records provided to an emergency medical services quality assurance committee approved by the board are confidential and may not be obtained by discovery from the committee, the board or its staff.

Enacted law summary

Public Law 2001, chapter 229 amends the Maine Emergency Medical Services Act of 1982 to:

1. Allow the Emergency Medical Services Board to issue warnings, suspend licenses and impose civil penalties for violations of the Maine Emergency Medical Services Act of 1982;
2. Allow a decision of the board to be appealed to the Superior Court;
3. Clarify that the board, its committees or staff may issue letters of guidance or concern to applicants or licensees; and
4. Provide that all reports, information and records provided to an emergency medical services quality assurance committee approved by the board are confidential and may not be obtained by discovery from the committee, the board or its staff.

LD 1620

An Act to Enact Mandatory Minimum Sentences for Firearms Offenses to Make the State Eligible for Firearms Sentencing Incentive Grants

CARRIED OVER

Sponsor(s)
MUSE C

Committee Report

Amendments Adopted

LD 1620 proposed to create the offenses of criminal possession of a firearm and criminal use of a firearm, both of which are Class C crimes that carry mandatory minimum 5-year sentences. The bill proposed that a person is guilty of criminal possession of a firearm if the person has been convicted of a crime of violence and is in possession of a firearm and that a person is guilty of criminal use of a firearm if the person uses or carries a firearm while committing a crime of violence or a Class A, B or C drug offense. This bill also proposed to require the Commissioner of Public Safety to implement a public awareness and community support program that builds support for and warns potential violators of the provisions of the new law. The purpose of these proposed changes is to make the state eligible for firearms sentencing incentive grants.