

MAINE STATE LEGISLATURE

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*State Of Maine
120th Legislature*

Second Regular Session

Bill Summaries

*Joint Standing Committee
on
Criminal Justice*

May 2002

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120th Legislature
Second Regular Session

Summary Of Legislation Before The Joint Standing Committees
May 2002

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 arranged alphabetically by committee name 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:

<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>OTP ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i>	<i>Committee report Ought To Pass In New Draft/New Title</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PASSED</i>	<i>Joint Order passed in both bodies</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is July 25, 2002.

Patrick T. Norton, Interim Director
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on Criminal Justice

LD 1956

An Act to Clarify Rule-making Authority for the Office of the State Fire Marshal

PUBLIC 475

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POVICH O'GARA	OTP	

LD 1956 proposed to grant rule-making responsibility regarding standards for smoke detectors to the Commissioner of Public Safety or the commissioner's designee. Public Law 1997, chapter 728 repealed the State Fire Marshal's authority to enact rules regarding smoke detectors under the Maine Revised Statutes, Title 25, section 2464. As proposed, rules adopted pursuant to LD 1956 are routine technical rules.

Enacted law summary

Public Law 2001, chapter 475 grants rule-making responsibility regarding standards for smoke detectors to the Commissioner of Public Safety or the commissioner's designee. Rules adopted pursuant to this Public Law are routine technical rules. Public Law 1997, chapter 728 repealed the State Fire Marshal's authority to enact rules regarding smoke detectors under the Maine Revised Statutes, Title 25, section 2464.

LD 1961

An Act to Allow Private Psychiatric Hospitalization of Residents of Department of Corrections Juvenile Facilities

PUBLIC 517

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POVICH	OTP-AM	H-796

LD 1961 proposed to allow juveniles needing psychiatric hospitalization to be admitted to private facilities for psychiatric care under the Commissioner of Corrections' statutory guardianship, as they may now be admitted to private facilities for medical care under the commissioner's guardianship. Current Maine law authorizes psychiatric hospitalization of persons confined in Department of Corrections facilities only in state mental health institutes. While the state mental health institutes have beds for adults, they do not have and do not plan to have beds for juveniles.

Committee Amendment "A" (H-796) proposed to clarify that the Commissioner of Corrections is subject to the same statutory provisions as a parent or legal guardian when seeking to admit a juvenile client to a psychiatric hospital. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 517 allows juveniles needing psychiatric hospitalization to be admitted to private facilities for psychiatric care under the Commissioner of Corrections' statutory guardianship, as they may now be admitted to private facilities for medical care under the commissioner's guardianship. The Commissioner of Corrections is subject to the same statutory provisions as a parent or legal guardian when seeking to admit a juvenile client to a psychiatric hospital. Prior to enactment of this Public Law, Maine law authorized psychiatric hospitalization of persons confined in Department of Corrections facilities only