

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

4. Probation options, graduated sanctions and probation officer caseload;
5. Criminal court case loads, whether cases are being handled in a timely fashion and whether there are sufficient judicial resources allocated to handle the current case load; and
6. Issues concerning female offenders in county jails.

The resolve also proposed that the commission report its findings and necessary implementing legislation to the joint standing committee of the Legislature having jurisdiction over corrections and criminal justice matters by November 1, 2002.

Committee Amendment "A" (H-861) proposed to replace the membership of the commission with the Joint Standing Committee on Criminal Justice. The amendment proposed to expand the duties of the commission to study state subsidies that support county jails and community corrections programs, alternative sentencing options and sentencing policies, and populations that are and are not being served by the county jail system. The amendment also proposed to add an appropriations and allocations section and a fiscal note to the resolve.

Although LD 2002 did not pass, a Joint Order, House Paper 1731, incorporated the substance of the resolve and was read and passed by the House and Senate.

LD 2022

An Act to Clarify the Sex Offender Registration and Notification Act of 1999

**PUBLIC 553
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN J	OTP-AM	H-865

LD 2022 proposed to clarify the Sex Offender Registration and Notification Act of 1999 by:

1. Defining "sentence" to include an involuntary commitment under the Maine Revised Statutes, Title 15, section 103, or a similar statute in another jurisdiction;
2. Clarifying the definition of "sexually violent offense;"
3. Clarifying when the duty to register must be carried out by a sex offender or sexually violent predator sentenced on or after September 18, 1999;
4. Clarifying when the duty to register must be carried out by a sex offender or sexually violent predator sentenced on or after June 30, 1992, but before September 18, 1999;
5. Amending Title 34-A, section 11225, subsection 1 to delete "sexually violent predator" since that category of offender is not subject to a 10-year registration requirement. Sexually violent predators are instead subject to lifetime registration;
6. Clarifying how the 10-year registration period for sex offenders is to be calculated for those sentenced on or after June 30, 1992, but before September 18, 1999;

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7. Clarifying that a sexually violent predator sentenced on or after June 30, 1992 must register for the duration of the sexually violent predator's life;
8. Clarifying that the Department of Public Safety, State Bureau of Identification may suspend the requirement that a sexually violent offender register during periods when the person is not at liberty due to institutional confinement;
9. Amending Title 34-A, section 11227 by replacing the word "convicted" with the word "sentenced;" and
10. Amending the final sentence of Title 34-A, section 11252 so that it cannot be read to limit immunity under circumstances not involving the release of information.

Committee Amendment "A" (H-865) proposed to remove the change to the immunity from liability provision so that current immunity protections continue to apply to persons who perform the requirements of the notification element of the Sex Offender Registration and Notification Act of 1999.

Enacted law summary

Public Law 2001, chapter 553 clarifies the Sex Offender Registration and Notification Act of 1999. Public Law 2001, chapter 553 does the following.

1. It defines "sentence" to include an involuntary commitment under the Maine Revised Statutes, Title 15, section 103, or a similar statute in another jurisdiction.
2. It clarifies the definition of "sexually violent offense."
3. It clarifies when the duty to register must be carried out by a sex offender or sexually violent predator sentenced on or after September 18, 1999.
4. It clarifies when the duty to register must be carried out by a sex offender or sexually violent predator sentenced on or after June 30, 1992, but before September 18, 1999.
5. It amends Title 34-A, section 11225, subsection 1 to delete "sexually violent predator" since that category of offender is not subject to a 10-year registration requirement. Sexually violent predators are instead subject to lifetime registration.
6. It clarifies how the 10-year registration period for sex offenders is to be calculated for those sentenced on or after June 30, 1992, but before September 18, 1999.
7. It clarifies that a sexually violent predator sentenced on or after June 30, 1992 must register for the duration of the sexually violent predator's life.
8. It clarifies that the Department of Public Safety, State Bureau of Identification may suspend the requirement that a sexually violent offender register during periods when the person is not at liberty due to institutional confinement.

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9. It amends Title 34-A, section 11227 by replacing the word "convicted" with the word "sentenced."

Public Law 2001, chapter 553 was enacted as an emergency measure effective March 25, 2002.

LD 2032

**An Act to Exclude Court Holidays from the Time Required in
Which a Juvenile Detention Hearing Must be Held**

ONTP

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

LD 2032 proposed to amend the juvenile detention laws to specify that court holidays be excluded from the time limits for holding juveniles in detention prior to a hearing. This change would have made the law the same for juveniles as for adults as set out in the Maine Rules of Criminal Procedure Rule 5.

LD 2039

**Resolve, Directing the Department of Public Safety, Maine
Emergency Medical Services, Medical Direction and Practices
Board to Review and Update Protocols for Training Basic
Emergency Medical Technicians to Administer Epinephrine**

**RESOLVE 87
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN	OTP-AM	H-864

LD 2039 proposed to allow a municipality to train its emergency medical services persons to administer epinephrine, commonly known as adrenalin.

Committee Amendment "A" (H-864) proposed to replace the bill and create a resolve. The resolve proposed to direct the Department of Public Safety, Maine Emergency Medical Services, Medical Direction and Practices Board to review and update protocols and training for basic emergency medical technicians to carry and administer epinephrine. The amendment proposed that in developing its protocols and training, the board review other states' medical practices regarding emergency medical personnel carrying and administering epinephrine and treat the issue of developing protocols for the administration of epinephrine to school-age children as a priority in this process. The amendment proposed that the board report its recommendations and subsequent actions regarding protocols and training for the carrying and administering of epinephrine by basic emergency medical technicians to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by January 1, 2003. The amendment also proposed to authorize the committee to report out implementing legislation if necessary. The amendment also proposed to add a fiscal note.

Enacted law summary

Resolve 2001, chapter 87 directs the Department of Public Safety, Maine Emergency Medical Services, Medical Direction and Practices Board to review and update protocols and training for basic emergency medical technicians to carry and administer epinephrine. In developing its protocols and training, the board shall review other states' medical practices regarding emergency medical personnel carrying and