

# 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](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:

<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 &amp; 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&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; 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**  
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## Joint Standing Committee on Criminal Justice

LD 2088

### **An Act to Implement the Recommendations of the Committee to Study the Needs of Persons with Mental Illness Who are Incarcerated Relating to Treatment and Aftercare Planning in State Prisons**

ONTP

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

LD 2088 proposed to implement the recommendations of the Committee to Study the Needs of Persons with Mental Illness Who Are Incarcerated relating to treatment and aftercare planning in state prisons. The Committee to Study the Needs of Persons with Mental Illness Who Are Incarcerated was created pursuant to Joint Order, House Paper 1383. LD 2088 was one of 4 bills produced by the committee. (See also LDs 2065, 2068, and 2075.) Specifically, LD 2088 proposed to:

1. Create a position at each Department of Corrections intake facility (Maine State Prison and Maine Correctional Center) to undertake mental health screening and to collect relevant mental health information upon intake;
2. Fund one psychiatrist and one psychiatric nurse to provide mental health treatment services to inmates in the State facilities;
3. Direct the Department of Corrections to develop a training program to provide specialized forensic training to case management and community support providers and crisis and outpatient providers;
4. Direct the Department of Corrections to work with the Department of Behavioral and Developmental Services to ensure the Department of Corrections' formulary includes the best medications for the treatment of inmates with mental illness and adopt policies to ensure that the most effective medications are available and used and that clinical care needs, not cost, govern the use of medications;
5. Fund 2 positions to make initial contacts with family and community services for persons with mental illness prior to their release from Department of Corrections facilities; and
6. Direct the Department of Corrections, in consultation with the Department of Behavioral and Developmental Services, to develop a grievance process, separate from other grievance processes, for addressing complaints by persons with mental illness about their treatment.

**LD 2090**

### **An Act to Clarify the Law Governing Unlawful Solicitation to Benefit Law Enforcement Agencies**

**PUBLIC 582**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMALL PEAVEY	OTP-AM	S-457

LD 2090 proposed that a person who does not gain any financial benefit from a donation may solicit donations for law enforcement purposes since the person solicited may be told that the solicitor will not

## Joint Standing Committee on Criminal Justice

gain any tangible benefit and, consequently, will not be concerned with who donates. The bill's proposed purpose is to eliminate the coercion that is inherent in many solicitations by or on behalf of law enforcement officers since a prospective donor may not feel totally free to reject the request in light of the solicitor's position, whether an officer or a financially interested agent of the officer or association, and to preserve public confidence in the integrity of law enforcement by avoiding that appearance of coercion.

**Committee Amendment "A" (S-457)** proposed to direct the Attorney General, the Maine Sheriffs' Association, the Maine Chiefs of Police Association, the Maine State Troopers Association and the Maine Association of Police to report their findings related to the change in the law enforcement solicitation law, which allows persons to solicit the public for the tangible benefit of law enforcement as long as the solicitor has no financial interest in the solicitation, to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by May 1, 2003. The amendment proposed that upon receiving that report and reviewing the law, the committee may report out legislation to amend the law if necessary. If the committee takes no action, the amendment proposed that the change to the solicitation law is repealed February 1, 2004, and the former law is reenacted.

The amendment also proposed to add a legislative intent section that clarifies that, for purposes of solicitation to benefit law enforcement, the Legislature finds that there is no inherent coercion or appearance of coercion when the person soliciting has no financial interest at stake, because the person solicited will know that the person soliciting will not gain any tangible benefit from the solicitation and, consequently, will not be concerned with who donates.

The amendment also proposed to add a fiscal note to the bill.

### *Enacted law summary*

Public Law 2001, chapter 582 directs the Attorney General, the Maine Sheriffs' Association, the Maine Chiefs of Police Association, the Maine State Troopers Association and the Maine Association of Police to report their findings related to this Public Law's change in the law enforcement solicitation statute, which allows persons to solicit the public for the tangible benefit of law enforcement as long as the solicitor has no financial interest in the solicitation, to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by May 1, 2003. Upon receiving that report and reviewing the law, the committee may report out legislation to amend the law if necessary. If the committee takes no action, the amendment to the solicitation law will be repealed February 1, 2004, and the former law prohibiting solicitation by anyone on behalf of law enforcement officers will be reenacted.

Public Law 2001, chapter 582 also adds a legislative intent section that clarifies that, for purposes of solicitation to benefit law enforcement, the Legislature finds that there is no inherent coercion or appearance of coercion when the person soliciting has no financial interest at stake, because the person solicited will know that the person soliciting will not gain any tangible benefit from the solicitation and, consequently, will not be concerned with who donates.