

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:

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
PASSED.....	Joint Order passed in both bodies
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 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 2167

An Act to Improve Public Safety by Regulating the Installation and Inspection of Fire Alarm Systems

ONTP

Sponsor(s)

Committee Report
ONTP

Amendments Adopted

LD 2167 proposed to enact the fire alarm system contractor certification program to regulate the installation and inspection of fire alarm systems over a specified size in those buildings in which fire alarm systems are required, such as certain facilities licensed by the Department of Human Services, high-rise buildings, educational facilities for students through the 12th grade, dormitories, hotels, mercantile and business buildings with a square footage in excess of 12,000 feet, places of assembly with an occupancy load of 300 people or more, apartment buildings and all municipal and State-owned buildings.

LD 2167 proposed that a person who plans, installs, modifies or inspects a fire alarm system in one of the regulated structures is required to obtain certification from Underwriters Laboratories, Inc. or another nationally recognized independent testing company that has been approved by the Department of Public Safety, Office of the State Fire Marshal and present this certification to the State Fire Marshal in order to be licensed. The bill proposed that the State Fire Marshal must provide inspection stickers to be placed on the fire alarm system indicating that the system is in proper working condition. The bill proposed that the State Fire Marshal may set licensing fees and inspection sticker costs in an amount that creates sufficient revenue to maintain the fire alarm system contractor certification program.

LD 2167 proposed that this program be phased in over a 3-year period. The bill proposed that persons installing or inspecting fire alarm systems in facilities licensed by the Department of Human Services, high-rise buildings and educational facilities for students through the 12th grade must comply by May 1, 2003. The bill proposed that full compliance for all other regulated structures is required by May 1, 2005.

The Fire Protection Services Commission proposed this bill. LD 2167 was not enacted, and the Joint Standing Committee on Criminal Justice referred the issues in the bill back to the Fire Protection Services Commission for the commission to rework in cooperation with interested parties.

LD 2173

An Act to Implement the Recommendations of the Joint Standing Committee on Criminal Justice Regarding the Review of the Department of Public Safety under the State Government Evaluation Act

PUBLIC 697

Sponsor(s)

Committee Report

Amendments Adopted
S-551 GOLDTHWAIT

LD 2173 was a committee bill and the majority report. LD 2173 was proposed to implement recommendations pursuant to the committee's review of the Department of Public Safety under the State Government Evaluation Act. The bill proposed to do the following:

1. Remove Maine Emergency Medical Services from the list of agencies that the joint standing committee of the Legislature having jurisdiction over human resource matters reviews for purposes of the State

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Government Evaluation Act, since the agency is already under the jurisdiction of the joint standing committee of the Legislature having jurisdiction over criminal justice matters;

2. Exempt from the full-time law enforcement officer training requirements the State Fire Marshal and the Department of Public Safety's Chief of the Bureau of Liquor Enforcement;
3. Extend from January 1, 2004 to January 1, 2005 the time by which all persons whose job descriptions include operating an ambulance in an emergency mode or transporting a patient must possess certification of successful completion of a basic ambulance vehicle operator course, or a course that has been approved by the board as an equivalent, in order to operate an ambulance in an emergency mode or to transport a patient;
4. Appropriate General Fund money to the Department of Public Safety, Bureau of Emergency Medical Services for one public health educator and for contracted services, in-state travel and general operations, including course material and vehicle repairs, to implement the statutorily required training and certification of all ambulance operators by January 1, 2005;
5. Direct the Department of Public Safety, Bureau of Emergency Medical Services to report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters regarding the progress of the training and certification of ambulance operators by February 1, 2004; and
6. Include a fiscal note.

Senate Amendment "A" (S-551) proposed to remove the General Fund appropriation of \$99,520 for the Bureau of Emergency Medical Services within the Department of Public Safety in fiscal year 2002-03 and replace it with an Other Special Revenue funds allocation of \$49,520 for one public health educator position that has no net impact for fiscal year 2002-03. The amendment also proposed that additional costs may be supplemented by federal grant proceeds.

Enacted law summary

Public Law 2001 chapter 697 was a Criminal Justice Committee bill and the majority report of that committee. Public Law 2001 chapter 697 implements recommendations pursuant to the committee's review of the Department of Public Safety under the State Government Evaluation Act. Public Law 2001 chapter 697 does the following.

1. It removes Maine Emergency Medical Services from the list of agencies that the joint standing committee of the Legislature having jurisdiction over human resource matters reviews for purposes of the State Government Evaluation Act, since the agency is already under the jurisdiction of the joint standing committee of the Legislature having jurisdiction over criminal justice matters.
2. It exempts from the full-time law enforcement officer training requirements the State Fire Marshal and the Department of Public Safety's Chief of the Bureau of Liquor Enforcement.
3. It extends from January 1, 2004 to January 1, 2005 the time by which all persons whose job descriptions include operating an ambulance in an emergency mode or transporting a patient must possess certification of successful completion of a basic ambulance vehicle operator course, or a course

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that has been approved by the board as an equivalent, in order to operate an ambulance in an emergency mode or to transport a patient.

4. It allocates Other Special Revenue funds in the amount of \$49,520 for one public health educator position that has no net impact for fiscal year 2002-03 to provide one trainer and authorizes the use of federal grant proceeds for additional training costs.
5. It directs the Department of Public Safety, Bureau of Emergency Medical Services to report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters regarding the progress of the training and certification of ambulance operators by February 1, 2004.

LD 2175 An Act to Amend the County Jail Prisoner Support and Community Corrections Fund

PUBLIC 698

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		H-1115 QUINT S-602 GOLDTHWAIT

LD 2175 was a committee bill that proposed to create a new 1% surcharge on all fines, forfeitures and penalties imposed by any court in this State. The bill proposed that funds collected pursuant to this bill are nonlapsing and must be deposited monthly in the County Jail Prisoner Support and Community Corrections Fund that is administered by the Department of Corrections. LD 2175 proposed that all funds collected pursuant to this bill must be distributed to counties that have experienced at least a 10% increase in their total annual jail operating budget or for counties that have issued bonds for the construction of a new jail or renovation of an existing jail and that have met all other requirements under the Maine Revised Statutes, Title 34-A, section 1210-A, subsection 4. The bill proposed that funds distributed to counties pursuant to this bill must be used for the sole purpose of funding costs of the support of prisoners detained or sentenced to county jails and for establishing and maintaining community corrections. The bill proposed that requests for additional funds received from York, Hancock and Somerset counties no later than February 28, 2002 need not be resubmitted to the Department of Corrections. LD 2175 also proposed to include a fiscal note and an appropriations and allocations section and an effective date of August 1, 2002.

Senate Amendment “A” (S-602) proposed that the first \$23,658 collected under the provision imposing the new surcharge be transferred to the Judicial Department to cover the costs of implementing the collection of surcharges.

House Amendment “A” (H-1115) proposed to clarify that it is the Department of Corrections that may approve a county's request for an increase in the amount of state funding the county receives for support of prisoners, and once a request is approved the request and supporting documents must be forwarded to the joint standing committee having jurisdiction over corrections and criminal justice matters.

Enacted law summary

Public Law 2001, chapter 698 was a Criminal Justice Committee bill that creates a new 1% surcharge on all fines, forfeitures and penalties imposed by any court in this State. Funds collected pursuant to Public Law 2001, chapter 698 are nonlapsing and must be deposited monthly in the County Jail Prisoner Support