

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

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

Sponsor(s)

Committee Report

Amendments Adopted

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

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and Community Corrections Fund that is administered by the Department of Corrections. Funds collected pursuant to this Public Law must be distributed by the department 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 meet all other requirements under the Maine Revised Statutes, Title 34-A, section 1210-A, subsection 4. Funds distributed to counties 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. Public Law 2001, Chapter 698 specifies 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. 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.

In addition to funds distributed to counties, the first \$23,658 collected under the provision imposing the new surcharge must be transferred to the Judicial Department to cover the costs of implementing the collection of surcharges. Public Law 2001, chapter 698 is effective August 1, 2002.

LD 2201

**An Act to Provide Funding for the Office of the State Fire Marshal
and the Maine Fire Training and Education Program**

**P & S 67
EMERGENCY**

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 2201 proposed to provide funds for the operation of the Office of the State Fire Marshal and for the Maine Fire Training and Education Program. The bill proposed to establish a one-year special assessment to be collected from carriers insuring fire risks located in the State. As proposed, this special assessment is designed to provide operating revenues for the Office of the State Fire Marshal and funds for the Maine Fire Training and Education Program for fiscal year 2002-03. The bill proposed that beginning July 1, 2003 every fire insurance company or association that does business or collects premiums or assessments in Maine that paid this special assessment after July 1, 2002 may take a credit against its premium tax owed equal to the special assessment paid in the same month the previous year. LD 2201 also proposed to include a fiscal note.

Enacted law summary

Private and Special Law 2001, chapter 67 provides funds for the operation of the Office of the State Fire Marshal and for the Maine Fire Training and Education Program. Private and Special Law 2001, chapter 67 establishes a one-year special assessment to be collected from carriers insuring fire risks located in the State. This special assessment is designed to provide operating revenues for the Office of the State Fire Marshal and funds for the Maine Fire Training and Education Program for fiscal year 2002-03. Beginning July 1, 2003, every fire insurance company or association that does business or collects premiums or assessments in Maine that paid this special assessment after July 1, 2002 may take a credit against its premium tax owed equal to the special assessment paid in the same month the previous year.

Private and Special Law 2001, chapter 67 was enacted as an emergency measure effective April 8, 2002.