

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Criminal Justice and Public Safety*

July 2003

Staff:

*Marion Hylan Barr, Legislative Analyst
James Adolf, Legislative Analyst*

*Office of Policy and Legal Analysis
13 State House Station
Augusta, ME 04333
(207) 287-1670*

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Maine State Legislature



Office Of Policy And Legal Analysis Office Of Fiscal And Program Review

121st Maine Legislature First Regular Session

Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint 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>CARRIED OVER PURSUANT TO HP 1212</i>	<i>Bills carried over to the 2nd Regular Session</i>
<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>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 that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

David C. Elliott, Director
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on Criminal Justice and Public Safety

LD 18

**An Act to Make Corrections to Laws in Conflict with MCJUSTIS
Changes**

**PUBLIC 1
EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-5
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LD 18 proposed to amend the Maine Criminal Code to correct conflicts with Public Law 2001, chapter 667, legislation enacted in the 120th Legislature, pursuant to recommendations by the Maine Criminal Justice Information System Policy Board, in the following manner:

1. Repeal 3 sections of law that were incorporated into the Maine Criminal Code elsewhere by Public Law 2001, chapter 667;
2. Include the correct classification of crime for 2 forms of aggravated trafficking and aggravated furnishing of scheduled drugs;
3. Correct a cross-reference concerning the theft of scheduled drugs;
4. Correct the application of general language concerning prior convictions by providing that prior convictions for sexual assaults may be used as sentencing enhancers even if the prior convictions were entered more than 10 years earlier; and
5. Provide a retroactive effective date of January 31, 2003 to be consistent with the effective date of Public Law 2001, chapter 667, Part D.

Committee Amendment "A" (H-5) proposed to repeal sections of law involving classification of theft offenses that were incorporated elsewhere in the Maine Criminal Code in the MCJUSTIS changes. This amendment also proposed to remove the retroactivity clause from the bill.

Enacted Law Summary

Public Law 2003, chapter 1 amends the Maine Criminal Code to correct conflicts with Public Law 2001, chapter 667, legislation enacted in the 120th Legislature, pursuant to recommendations by the Maine Criminal Justice Information System Policy Board. Public Law 2003, chapter 1 does the following.

1. It repeals sections of law that were incorporated into the Maine Criminal Code elsewhere by Public Law 2001, chapter 667.
2. It includes the correct classification of crime for 2 forms of aggravated trafficking and aggravated furnishing of scheduled drugs.
3. It corrects a cross-reference concerning the theft of scheduled drugs.

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4. It corrects the application of general language concerning prior convictions by providing that prior convictions for sexual assaults may be used as sentencing enhancers even if the prior convictions were entered more than 10 years earlier.

Public Law 2003, chapter 1 was enacted as an emergency measure effective January 30, 2003.

LD 31 **An Act to Establish a Seamless Strategic Drug Abuse Model for Addressing Criminal Enforcement, Treatment, Education and Public Advocacy within Washington County** **CARRIED OVER**

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

LD 31 was a concept draft pursuant to Joint Rule 208.

This bill proposed to establish a seamless strategic drug abuse model for addressing issues surrounding criminal enforcement, substance abuse treatment and education and public advocacy in Washington County.

LD 31 was carried over to the Second Regular Session of the 121st Legislature.

LD 48 **An Act to Reduce Jail Overcrowding** **DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON	OTP-AM	H-52

LD 48 proposed to require that a person whose probation was revoked be resentenced to the place of imprisonment to which that person was originally sentenced.

Committee Amendment "A" (H-52) proposed to add an appropriation section and a fiscal note to the bill.

LD 72 **An Act to Improve Juvenile Rehabilitation** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO MITCHELL	ONTP	

LD 72 proposed to allow a court, as a condition of probation, to require a juvenile to attend a residential special-purpose private school or similar private facility approved by either the Department of Education or the Department of Human Services. The bill proposed that the State would pay for the school or similar private facility, minus any parental support ordered.