

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

*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*

**Members:**

*Sen. Ethan K. Strimling, Chair  
Sen. Pamela Hatch  
Sen. David L. Carpenter*

*Rep. George H. Bunker, Chair  
Rep. Patricia A. Blanchette  
Rep. Stanley J. Gerzofsky  
Rep. Paul J. Lessard  
Rep. Carol A. Grose  
Rep. Lois A. Snowe-Mello  
Rep. Christian D. Greeley  
Rep. Louie B. Maietta  
Rep. Richard M. Sykes  
Rep. John W. Churchill*

# 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](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>CARRIED OVER PURSUANT TO HP 1212</i> .....	<i>Bills carried over to the 2<sup>nd</sup> 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 &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>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 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 324**

**An Act to Create a Crime of Refusing an Alcohol Test in Operating-under-the-influence Cases**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARR	ONTP MAJ	
HATCH PH	OTP-AM MIN	

LD 324 proposed to subject a person who failed to submit to mandatory testing to determine whether the person was under the influence of intoxicants to the same penalties as if the person were convicted of operating under the influence. This bill proposed to make a conviction for failure to submit to mandatory testing equivalent to a conviction for operating under the influence of intoxicants. The bill proposed to specify that a person who had no previous OUI offenses and failed to submit to a test at the request of a law enforcement officer would have to be sentenced to at least 48 hours of incarceration, which is the same mandatory penalty that is imposed for a person convicted of a first OUI offense. This bill also proposed to remove the enhanced penalties for a refusing to submit to testing since such refusal would have been a separate offense.

**Committee Amendment "A" (H-314)** proposed to replace the bill and was the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment proposed to create a new Class D crime of failure to submit to a chemical test. A person would commit this new crime if a law enforcement officer had probable cause to believe that person had operated a motor vehicle while under the influence of intoxicants; the law enforcement officer had warned the person of the consequences of failing to submit to a chemical test pursuant to Title 29-A, section 2521, subsection 3; and the person in fact failed to submit to and complete a chemical test to determine blood-alcohol level and drug concentration by analysis of blood, breath or urine. The amendment proposed that a person who was convicted of failure to submit to a chemical test would be subject to the same mandatory penalties as a person convicted of criminal OUI under Title 29-A, section 2411.

**LD 372**

**Resolve, to Improve Community Safety and Sex Offender Accountability**

**RESOLVE 75  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL	OTP-AM	H-158
ROTUNDO		S-267 GAGNON

LD 372, proposed to establish the Commission to Improve Community Safety and Sex Offender Accountability. The resolve proposed that the commission's duties include gathering information from public and private entities to examine and recommend changes to current laws governing sentencing, registration, release and placement of sex offenders.

**Committee Amendment "A" (H-158)** proposed to make the following changes to the resolve:

1. Expand the makeup of the Commission to Improve Community Safety and Sex Offender Accountability by adding members representing the Judicial Department, district attorneys, psychiatrists or psychologists who treat sex offenders, direct providers of services for sex offenders, the Maine Civil Liberties Union, the Maine Council of Churches and a 2nd local law enforcement officer;

## *Joint Standing Committee on Criminal Justice and Public Safety*

2. Change the reporting date of the commission from January 2, 2004 to December 1, 2003;
3. Authorize the Joint Standing Committee on Criminal Justice and Public Safety to report out legislation to the Second Regular Session of the 121st Legislature;
4. Add an emergency preamble and clause; and
5. Incorporate an appropriation and allocation section and add fiscal note.

### **Senate Amendment "A" to Committee Amendment "A" (S-267)** proposed to do the following:

1. Alter the language that allows the Chief Justice of the Supreme Judicial Court to designate a judge or justice to serve on the commission;
2. Require the commission chairs, rather than the Executive Director of the Legislative Council, to convene the commission;
3. Reduce from 6 to 4 the number of meetings authorized for the commission;
4. Authorize reimbursement of expenses to public members upon a showing of financial hardship;
5. Authorize the commission to submit its report to the Legislature, rather than to the Joint Standing Committee on Criminal Justice and Public Safety;
6. Change the reporting date from December 1, 2003 to December 3, 2003; and
7. Authorize the Joint Standing Committee on Criminal Justice and Public Safety to report out a single bill related to the study.

### ***Enacted Law Summary***

Resolve 2003, chapter 75 establishes the Commission to Improve Community Safety and Sex Offender Accountability. The resolve directs the commission to gather information from public and private entities to examine and recommend changes to current laws governing sentencing, registration, release and placement of sex offenders. The commission is composed of 18 members, and the group has 4 meetings in which to complete its work. The commission shall submit its report to the Legislature, and the Joint Standing Committee on Criminal Justice and Public Safety may report out a single bill related to the study.

Resolve 2003, chapter 75 was passed as an emergency measure effective June 17, 2003.