

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

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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
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Joint Standing Committee on Criminal Justice and Public Safety

LD 838

An Act Regarding Bail and Fines

PUBLIC 87

<u>Sponsor(s)</u> SHERMAN WOODCOCK	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-90
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Current law authorizes the setoff of bail against criminal fines, forfeitures, fees, restitution, attorney's fees and expenses and surcharges arising from the criminal proceeding for which the bail has been posted. LD 838 proposed to allow for the bail to be set off against the same expenses associated with other proceedings involving the same defendant.

Committee Amendment "A" (H-90) proposed to direct the court to apply any bail owned by a defendant that has not been forfeited to restitution first.

Enacted Law Summary

Public Law 2003, chapter 87 allows for bail previously posted to be set off against the same expenses associated with other proceedings involving the same defendant. Current law authorizes the setoff of bail against criminal fines, forfeitures, fees, restitution, attorney's fees and expenses and surcharges arising from the criminal proceeding for which the bail has been posted. Public Law 2003, chapter 87 also directs the court to apply any bail collected pursuant to this subsection first to restitution.

LD 856

An Act To Change Mandatory Minimum Sentences in Certain Cases

PUBLIC 232

<u>Sponsor(s)</u> MILLS P	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-311
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LD 856 proposed to affect sentences in criminal cases in the following ways:

1. Decrease the minimum sentence of imprisonment for murder to 20 years;
2. Grant the sentencing court the authority to deviate from a mandatory minimum sentence and mandatory minimum fine in those circumstances when the court determined that the mandatory fine or sentence would create a substantial injustice and the deviation would not diminish the gravity of the offense or adversely affect the public safety. The court would have had to consider specific factors before deviating from the mandatory minimum;
3. Remove the cap on fines for operating under the influence and instead allow the court to impose the maximum fine allowed for that specific class of crime. Currently, the maximum penalty that may be imposed for a Class D crime is \$2,000; for a Class C crime, the maximum is \$5,000; and for a Class B crime, the maximum is \$20,000; and

Joint Standing Committee on Criminal Justice and Public Safety

4. Change the class of crime for a 3rd OUI conviction in less than 10 years from a Class D to a Class C crime. It also proposed to change the class of crime for 4 or more OUI convictions in a 10-year period from a Class C crime to a Class B crime.

Committee Amendment "A" (H-311) proposed to replace the bill. The amendment proposed to repeal the sentencing provision that required that a person have no prior criminal history in order to be considered for a sentence that is other than a minimum mandatory term of imprisonment for a violation of Title 17-A, section 1105-A, 1105-B, 1105-C or 1105-D.

Enacted Law Summary

Public Law 2003, chapter 232 repeals the sentencing provision that requires that a person have no prior criminal history in order to be considered for a sentence that is other than a minimum mandatory term of imprisonment for a violation of Title 17-A, section 1105-A, 1105-B, 1105-C or 1105-D.

LD 863 **An Act To Require State Reimbursement to Counties for Health Expenses Incurred For Prisoners in County Jails** **ONTP**

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

LD 863 proposed to require the State to reimburse each county for all remaining medical care expenses that county incurred caring for a prisoner in a county jail after the county had exercised all other methods for obtaining reimbursement from the prisoner.

LD 876 **An Act To Make Changes to the Sex Offender Notification Provisions** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN J GAGNON	ONTP	

LD 876 proposed to amend the notification provisions of the Sex Offender Registration and Notification Act of 1999 as follows:

1. Include county jails and state mental health institutes with the Department of Corrections as required parties to give notice of conditional release or discharge of a sex offender or sexually violent predator to the Department of Public Safety, State Bureau of Identification and all law enforcement agencies that have jurisdiction in those areas where the sex offender or sexually violent predator may reside, work or attend college or school if the sex offender or sexually violent predator were being conditionally released or discharged from a county jail or state mental health institute; and
2. Include county jails and state mental health institutes with the Department of Corrections as entities required to give notice of conditional release or discharge of a sex offender or sexually violent predator from a county