

# 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](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*

- 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> PARADIS PENDLETON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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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> O'BRIEN J GAGNON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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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

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3. jail or state mental health institute to members of the public the county jail or state mental health institute determined appropriate to ensure public safety.

**LD 884**                      **An Act To Expand the Definition of "Juvenile Crime" To Include the Offenses of Possession and Use of Drug Paraphernalia, Illegal Transportation of Alcohol by a Minor and Transportation of Illegal Drugs by a Minor**                      **PUBLIC 305**

<u>Sponsor(s)</u> NORBERT PENDLETON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-366
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LD 884 proposed to amend the Maine Juvenile Code to add to the definition of "juvenile crime" the civil violations of possessing and using drug paraphernalia, transportation of alcohol or illegal drugs by a minor and violation of a condition of release imposed by a juvenile correction officer. The bill proposed to clarify jurisdiction and enforcement of closely related violations, such as possession of drugs and possession and use of drug paraphernalia and possession of alcohol and transportation of alcohol by a minor. Under current law, for example, a juvenile who is in possession of illegal drugs and drug paraphernalia is required to appear in juvenile court for the drug possession charge and district court for the civil paraphernalia charge.

**Committee Amendment "A" (H-366)** proposed to:

1. Make a technical correction by adding to the provision defining juvenile crimes a reference to Title 15, section 393, subsection 1, paragraph C;
2. Correct an oversight by adding Title 15, section 3103, subsection 1, paragraph G to the list of juvenile crimes for which a juvenile may be arrested without a warrant;
3. Remove sections 5, 6 and 7 of the bill that created the new juvenile crime of violation of a condition of release and related provisions; and
4. Clarify the process by which the juvenile community corrections officer ensures that the Secretary of State receives notice of violations of Title 28-A, section 2052 and Title 22, section 2389, subsection 2 when no juvenile petition will be filed. The amendment proposed to require the Secretary of State to suspend a juvenile's driver's license for 30 days upon receiving notice of a violation. The amendment also proposed to specify that the court may suspend a juvenile's license for up to 6 months when a juvenile violates Title 17-A, chapter 45; Title 22, section 2383; Title 22, section 2383-B, subsection 5; Title 22, section 2389, subsection 2; or Title 28-A, section 2052 and is adjudicated to have committed a juvenile crime.

***Enacted Law Summary***

Public Law 2003, chapter 305 amends the Maine Juvenile Code to add to the definition of "juvenile crime" the civil violations of possessing and using drug paraphernalia and transportation of alcohol or illegal drugs by a minor. Public Law 2003, chapter 305 corrects previous oversights in the law by adding to the provision defining juvenile crimes a reference to Title 15, section 393, subsection 1, paragraph C and by adding Title 15, section 3103, subsection 1, paragraph G to the list of juvenile crimes for which a juvenile may be arrested without a warrant.