

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
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on Criminal Justice and Public Safety

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.

Joint Standing Committee on Criminal Justice and Public Safety

Public Law 2003, chapter 305 clarifies 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. Public Law 2003, chapter 305 requires the Secretary of State to suspend a juvenile's driver's license for 30 days upon receiving notice of a violation. Public Law 2003, chapter 305 also specifies 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.

LD 891 An Act To Require the Videotaping of Police Interrogations CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRIMLING NORBERT		

LD 891 proposes to require police departments and other law enforcement agencies to videotape examinations that concern the commission of a crime and that are conducted within police departments or other law enforcement facilities.

LD 893 An Act To Authorize County Jails To Purchase Prescription Drugs ONTP and Other Medications in Bulk for Prisoners

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS MAKAS	ONTP	

LD 893 proposed to authorize sheriffs to purchase and store prescription drugs and other medications in bulk quantities to be administered to prisoners in county jails.

LD 895 An Act To Clarify the Responsibilities of Contract Law PUBLIC 80 Enforcement Officers

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE	OTP-AM	S-25

LD 895 proposed to clarify that, if a municipality contracts with a sheriff's department or the State Police to provide law enforcement for the municipality, officers of that sheriff's department or the State Police have the full powers of municipal police officers within the municipality, including authority to enforce local parking ordinances.

Committee Amendment "A" (S-25) proposed to replace the bill. The amendment proposed to clarify that a municipality lacking an organized police department may contract with the State Police or a sheriff's department to enforce municipal ordinances and give the officers or deputy sheriffs the authority to enforce the ordinances.