

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

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Like the bill, this amendment also proposed to provide that when a juvenile had been adjudicated as having committed a juvenile crime and the court ordered restitution and subsequently found that the earning capacity of the juvenile was insufficient to pay restitution to the victim, the court could order a custodial parent or legal guardian to make restitution to the victim of the offense for which the juvenile was adjudicated.

This amendment also proposed to strike provisions of the bill that authorized a court to order the parents or legal guardian of a juvenile to personally participate in counseling or treatment and to allow a court to invoke its contempt powers to enforce any order entered regarding dispositional alternatives.

This amendment was not adopted.

LD 1160 **An Act To Amend the Membership of the Maine Fire Protection Services Commission** **PUBLIC 160
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-156

LD 1160 proposed to add to the members of the Maine Fire Protection Services Commission the Director of Maine Emergency Medical Services and the Director of the Maine Emergency Management Agency. The bill also proposed to authorize the President of the Senate and the Speaker of the House of Representatives to appoint any Legislators to the Maine Fire Protection Services Commission, instead of limiting legislative members to those serving on the committee having jurisdiction over fire protection matters.

Committee Amendment "A" (H-156) proposed to add an emergency preamble, an emergency clause and a fiscal note to the bill.

Enacted Law Summary

Public Law 2003, chapter 160 adds to the members of the Maine Fire Protection Services Commission the Director of Maine Emergency Medical Services and the Director of the Maine Emergency Management Agency. Public Law 2003, chapter 160 also authorizes the President of the Senate and the Speaker of the House of Representatives to appoint any Legislators to the Maine Fire Protection Services Commission, instead of limiting legislative members to those serving on the committee having jurisdiction over fire protection matters.

Public Law 2003, chapter 160 was enacted as an emergency measure effective May 14, 2003.

LD 1164 **An Act To Allow a Victim of Domestic Violence To Carry a Firearm without a Concealed Firearm Permit** **ONTP**

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

LD 1164 proposed to allow a person who has been the victim of a crime of domestic violence to carry a concealed firearm without obtaining a permit. The bill proposed to require that the person carry proof of

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successful completion of a handgun safety course, and to exclude a person convicted of murder or a Class A, B or C crime in this State, from eligibility.

LD 1182 **An Act To Change the Definition of Family or Household Members
for Purposes of Criminal Statutes** **PUBLIC 102**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN O'NEIL	OTP	

LD 1182 proposed to change the definition of "family or household members" in the laws governing when a law enforcement officer may arrest a person without a warrant for certain crimes between family or household members to include individuals presently or formerly living together and individuals who are or were sexual partners.

Enacted Law Summary

Public Law 2003, chapter 102 changes the definition of "family or household members" in the laws governing when a law enforcement officer may arrest a person without a warrant for certain crimes between family or household members to include individuals presently or formerly living together and individuals who are or were sexual partners.

LD 1186 **An Act to Revise the Reimbursement by the County Jail Prisoner
Support and Community Corrections Fund and To Provide
Additional Support to County Jails** **CARRIED
OVER**

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

The Maine Revised Statutes, Title 34-A, section 1210-A currently provides for a subsidy to counties for the support of prisoners detained or sentenced to county jails and to maintain community corrections programs. LD 1186 proposes to change the section to reimburse a percentage of the actual costs of those programs. The bill proposes that the percentage would start at 10% beginning July 1, 2005 and increase in annual increments of 5% to a maximum of 30% of actual costs reimbursed.

Committee Amendment "A" (S-227), which was not adopted, proposed to strike and replace the distribution formula in the bill. This amendment proposed to create a new 10% surcharge on all fines, forfeitures and penalties, except the new surcharge could not be imposed on fines collected for violations of the Maine Revised Statutes, Title 29-A, chapter 21. The money collected pursuant to the surcharge would have been distributed annually to each county based on that county's total jail operating costs as a percentage of the expenditures to operate all jails. The amendment also proposed to strike the effective date, as this distribution would have begun in the next fiscal year, and proposed to add an appropriation section and fiscal note to the bill.