

# MAINE STATE LEGISLATURE

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*State Of Maine  
121st Legislature*

*Second Regular Session and  
Second Special Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Criminal Justice and Public Safety*

*May 2004*

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Sen. Pamela Henderson Hatch  
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*Maine State Legislature*



*Office Of Policy And Legal Analysis  
Office Of Fiscal And Program Review*

*121st Maine Legislature  
Second Regular Session and  
Second Special 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/billsumm.htm](http://www.state.me.us/legis/opla/billsumm.htm)).

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:

- CON RES XXX..... Chapter # of Constitutional Resolution passed by both Houses*
- CONF CMTE UNABLE TO AGREE ..... Committee of Conference unable to agree; bill died*
- DIED BETWEEN BODIES..... House & Senate disagree; bill died*
- DIED IN CONCURRENCE..... One body accepts ONTP report; the other indefinitely postpones the bill*
- DIED ON ADJOURNMENT..... Action incomplete when session ended; bill died*
- EMERGENCY ..... Enacted law takes effect sooner than 90 days*
- FAILED EMERGENCY ENACTMENT/FINAL PASSAGE..... Emergency bill failed to get 2/3 vote*
- FAILED ENACTMENT/FINAL PASSAGE..... Bill failed to get majority vote*
- FAILED MANDATE ENACTMENT ..... Bill imposing local mandate failed to get 2/3 vote*
- NOT PROPERLY BEFORE THE BODY ..... Ruled out of order by the presiding officers; bill died*
- INDEF PP ..... Bill Indefinitely Postponed*
- ONTP..... Ought Not To Pass report accepted*
- OTP-ND ..... Committee report Ought To Pass In New Draft*
- P&S XXX..... Chapter # of enacted Private & Special Law*
- PASSED..... Joint Order passed in both bodies*
- PUBLIC XXX..... Chapter # of enacted Public Law*
- RESOLVE XXX..... Chapter # of finally passed Resolve*
- UNSIGNED..... Bill held by Governor*
- VETO SUSTAINED ..... Legislature failed to override Governor's Veto*

Please note that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is April 30, 2004; and non-emergency legislation enacted in the Second Special Session is July 30, 2004. Four bills (LD's 1572, 1629, 1636 and 1637) that were considered at the First Special Session in August 2003 are also included in these summaries.

*David C. Elliott, Director*  
**Offices located in Room 215 of the Cross Office Building**

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

3. Clarify that presentation of a badge by a private investigator or an investigative assistant to cause another person to believe that the private investigator or investigative assistant is a sworn peace officer is a Class D crime; and
4. Clarify that a private investigator or investigative assistant who contracts with a state law enforcement agency is bound by that agency's confidentiality obligations.

**House Amendment "A" to Committee Amendment "A" (H-832)** proposed to remove the fiscal note from Committee Amendment "A."

LD 1014, which failed enactment during the First Regular Session of the 121st Legislature, was recalled from the legislative files, reconsidered and enacted after amending the bill with House Amendment "A," which removed an incorrect fiscal note.

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

Public Law 2003, chapter 620 makes the following changes to the current licensing requirements for private investigators.

1. It changes the time when a private investigator's license may be renewed after initial licensure from every 2 to every 4 years and doubles the renewal fee to \$400.
2. It changes the term of an investigative assistant's license from one year with a possibility of a 6-month extension to 2 years and doubles the fee to \$600.
3. It clarifies that presentation of a badge by a private investigator or an investigative assistant to cause another person to believe that the private investigator or investigative assistant is a sworn peace officer is a Class D crime.
4. It clarifies that a private investigator or investigative assistant who contracts with a state law enforcement agency is bound by that agency's confidentiality obligations.

**LD 1186**

**An Act To Provide Funding for Court Security**

**P & S 48**

Sponsor(s)  
STRIMLING

Committee Report  
RECEIVED BY  
SECRETARY PUR  
TO JT RULE  
309

Amendments Adopted  
S-592 CATHCART

LD 1186

The Maine Revised Statutes, Title 34-A, section 1210-A currently provides for a subsidy to counties for supporting prisoners detained or sentenced to county jails and maintaining community corrections. This bill proposed to change the section to reimburse counties for a percentage of the actual costs of those programs.

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

LD 1186 proposed 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)** 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 may not be imposed on fines collected for violations of the Maine Revised Statutes, Title 29-A, chapter 21. The amendment proposed that the money collected pursuant to the surcharge be 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 will begin in the next fiscal year, and to add an appropriation section and fiscal note. This amendment was not adopted.

**House Amendment "A" to Senate Amendment "A" (H-697)** was presented on behalf of the Committee on Bills in the Second Reading and proposed to prevent a conflict by incorporating changes made to the Maine Revised Statutes, Title 34-A, section 1210-A, subsection 9 in Public Law 2003, chapter 20. This amendment was not adopted.

**Senate Amendment "A" (S-380)** proposed to change the date on which the Department of Corrections will start reimbursing each county for a portion of the actual costs of operating its jail from July 1, 2005 to July 1, 2007. The amendment also proposed to add a fiscal note. This amendment was not adopted.

**Senate Amendment "B" (S-592)** proposed to strike the title and the bill and to appropriate funds for contractual services to provide security at existing courthouses. The amendment also proposed to add a fiscal note.

### *Enacted Law Summary*

Private and Special Law, chapter 48 appropriates funds for contractual services to provide security at existing courthouses.

**LD 1729**

**An Act To Strengthen the Sex Offender Registration and Notification Act of 1999**

**ONTP**

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

LD 1729 proposed to expand the definition of "domicile" in the Sex Offender Registration and Notification Act of 1999 to include all of the places where a person lives, resides or dwells.

LD 1729 was not enacted, but an amended version of the bill was incorporated into Committee Amendment "A" (H-860) to LD 1903, which was enacted as Public Law 2003, chapter 711.