

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

**LD 1192**

**An Act To Enhance Juvenile Rehabilitation**

**PUBLIC 142**

<u>Sponsor(s)</u> EDMONDS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-77
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LD 1192 proposed to amend the Maine Juvenile Code to allow the juvenile court to require that the parent, guardian or custodian of a juvenile charged with committing a juvenile crime attend all juvenile court proceedings, unless the court excused attendance for good cause. The bill proposed to amend the Maine Juvenile Code to allow a court to order the parent, guardian or custodian of a juvenile adjudicated as having committed a juvenile crime to participate in and pay all or part of the reasonable costs of counseling, treatment, education and supervision as determined by the court. LD 1192 also proposed to affirm that the court could invoke its contempt powers to enforce such attendance and court orders.

**Committee Amendment "A" (S-77)** proposed to replace the bill and to make the following changes:

1. Amend the Maine Juvenile Code to allow the juvenile court to require that the parent, guardian or legal custodian of a juvenile charged with committing a juvenile crime attend all juvenile court proceedings, unless the court excused attendance for good cause; however, it would have clarified that the failure of a parent, guardian or legal custodian to appear in response to the summons or for a later hearing, or the inability to serve such a party, would not prevent the court from continuing with the proceedings against a juvenile who was before the court, except as required in the Maine Revised Statutes, Title 15, section 3314, subsection 1, paragraphs C-1 and C-2;
2. Amend the Maine Juvenile Code to allow a court to order the parent, guardian or legal custodian of a juvenile adjudicated as having committed a juvenile crime to participate in and pay all or part of the reasonable costs of counseling, treatment, education and case management as determined by the court;
3. Affirm that the court could invoke its contempt powers to enforce such attendance and court orders;
4. Specify that the court could not revoke a juvenile's probation because of the failure of the juvenile's parent, guardian or legal custodian to comply with an order to participate in or pay all or part of the reasonable costs of counseling, treatment, education and case management as determined by the court; and
5. Add a fiscal note.

## ***Enacted Law Summary***

Public Law 2003, chapter 142 amends the Maine Juvenile Code to allow the juvenile court to require that the parent, guardian or legal custodian of a juvenile charged with committing a juvenile crime attend all juvenile court proceedings, unless the court excuses attendance for good cause; however, it clarifies that the failure of a parent, guardian or legal custodian to appear in response to the summons or for a later hearing, or the inability to serve such a party, may not prevent the court from continuing with the proceedings against a juvenile who is before the court, except as required in the Maine Revised Statutes, Title 15, section 3314, subsection 1, paragraphs C-1 and C-2.

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

Public Law 2003, chapter 142 amends the Maine Juvenile Code to allow a court to order the parent, guardian or legal custodian of a juvenile adjudicated as having committed a juvenile crime to participate in and pay all or part of the reasonable costs of counseling, treatment, education and case management as determined by the court.

Public Law 2003, chapter 142 affirms that the court may invoke its contempt powers to enforce such attendance and court orders.

Public Law 2003, chapter 142 specifies that the court may not revoke a juvenile's probation because of the failure of the juvenile's parent, guardian or legal custodian to comply with an order to participate in or pay all or part of the reasonable costs of counseling, treatment, education and case management as determined by the court.

### **LD 1224                      An Act To Increase Requirements for Notification of Release to                      PUBLIC 186** **Victims of Stalkers**

<u>Sponsor(s)</u> CUMMINGS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-188
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LD 1224 proposed to expand the laws governing the notification of a defendant's release from jail or an institution. This bill proposed to add "stalking" to the list of crimes for which a victim must be informed of the release of the defendant. This bill also proposed to require notification of the defendant's release to a victim when the defendant was institutionalized after being found incompetent to stand trial.

**Committee Amendment "A" (H-188)** proposed to add a mandate preamble and a fiscal note to the bill.

#### *Enacted Law Summary*

Public Law 2003, chapter 186 expands the laws governing the notification of a defendant's release from jail or an institution. Public Law 2003, chapter 186 adds "stalking" to the list of crimes for which a victim must be informed of the release of the defendant. Public Law 2003, chapter 186 also requires notification of the defendant's release to a victim when the defendant is institutionalized after being found incompetent to stand trial.

### **LD 1230                      An Act To Amend the Law Regarding Juvenile Restitution                      PUBLIC 239**

<u>Sponsor(s)</u> SNOWE-MELLO		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-278
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LD 1230 proposed to prohibit the removal or destruction of street signs or traffic control signs. The bill proposed to require that a person who is at least 18 years of age and was convicted of removing or destroying a street or traffic control sign would be subject to a minimum penalty of \$500. The bill proposed that a juvenile who was adjudicated to have committed the crime would be required to pay restitution to the municipality for the street sign or traffic control sign and perform at least 8 hours of community service in the affected municipality.

**Committee Amendment "A" (H-278)** proposed to change the title and to replace the bill. The amendment proposed that for purposes of a juvenile disposition involving restitution, the court could enter a separate order