

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

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 Victims of Stalkers

PUBLIC 186

Sponsor(s)
CUMMINGS

Committee Report
OTP-AM

Amendments Adopted
H-188

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

Sponsor(s)
SNOWE-MELLO

Committee Report
OTP-AM

Amendments Adopted
H-278

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

Joint Standing Committee on Criminal Justice and Public Safety

for income withholding if the juvenile was employed. This is consistent with the process of collecting restitution paid by adult offenders.

Enacted Law Summary

Public Law 2003, chapter 239 specifies that for purposes of a juvenile disposition involving restitution, the court may enter a separate order for income withholding if the juvenile is employed. This is consistent with the process of collecting restitution paid by adult offenders.

LD 1237 **An Act To Promote Justice for Those Not Guilty of Crimes Due to Mental Disease or Defect** **ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|------------------------|-------------------------|---------------------------|
| FAIRCLOTH STRIMLING | ONTP | |

LD 1237 proposed that proper use of prescribed medications could be a condition of release for a person found not criminally responsible by reason of mental disease or mental defeat. This bill proposed to lessen the burden of proof for a petitioner seeking the release or discharge of a person hospitalized after having been found not criminally responsible by reason of mental disease or mental defect for committing a Class B, C, D or E crime. For discharge or release, a petitioner would have had to demonstrate by a preponderance of the evidence that the modified release treatment program, release on conditions or discharge could be granted without likelihood that the person would cause injury to that person or to others due to mental disease or mental defect. The petitioner's burden of proof in a case for release or discharge where a person was found not criminally responsible by reason of mental disease or defect for murder or a Class A crime would have remained proof by clear and convincing evidence. (Taylor v. Commissioner of Mental Health and Mental Retardation, 481 A.2d 139 (1984)). The bill also proposed to make technical changes to the statutes.

LD 1244 **An Act To Increase the Penalties for a Person Who Vandalizes Cemetery Property** **ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|----------------------|----------------------------------|---------------------------|
| SNOWE-MELLO BLAIS | ONTP MAJ OTP-AM MIN | |

LD 1244 proposed to provide mandatory penalties that a court would have to impose on a person convicted of vandalizing a cemetery. If the violator is a minor, the bill proposed that the court require the violator or the violator's family to pay restitution and require the violator to perform 8 hours of community service per week for the cemetery for 2 consecutive summers following the conviction. If the violator is an adult, the bill proposed that the court require the violator to pay restitution and to perform 5 hours of community service for the cemetery per week for one year.

Committee Amendment "A" (H-214) was the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. This amendment proposed to strike provisions of the bill that provide mandatory penalties that a court shall impose on a juvenile adjudicated of vandalizing a cemetery. The amendment proposed to maintain mandatory penalties for adults convicted of vandalizing a cemetery. In addition to any