

# 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.

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## 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

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other penalty allowed by law, the court would have had to require the violator to pay restitution and to perform community service for the owner of the cemetery if the owner requested that community service work be performed.

This amendment was not adopted.

**LD 1266**                      **An Act To Clarify Sentencing for Persons Convicted of Class D and Class E Crimes Involving Domestic Violence**                      **PUBLIC 154**

<u>Sponsor(s)</u> COLWELL STRIMLING	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-154
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LD 1266 proposed that the period of probation for a person convicted of a Class D or Class E crime involving domestic violence would be 2 years, except that the term of probation would terminate when the probationer had served at least one year, had completed a certified batterers' intervention program and had met all other conditions of probation.

**Committee Amendment "A" (H-154)** proposed to amend the title to accurately reflect the intent of the bill and to add a fiscal note.

### *Enacted Law Summary*

Public Law 2003, chapter 154 specifies that the period of probation for a person convicted of a Class D or Class E crime involving domestic violence is 2 years, except that the term of probation terminates when the probationer has served at least one year, has completed a certified batterers' intervention program and has met all other conditions of probation.

**LD 1323**                      **An Act To Adopt an Interstate Compact for Juveniles on Probation and Parole**                      **PUBLIC 500**

<u>Sponsor(s)</u> O'BRIEN J	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-209
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LD 1323 proposed to create the Interstate Compact for Juveniles. The bill proposed to enter Maine into a compact among enacting states to oversee, supervise and coordinate the interstate movement of juveniles who are on probation or parole. The compact creates a governing body called the Interstate Commission for Juveniles made up of representatives from the enacting states, which has rulemaking, enforcement and other powers. The compact would become effective upon enactment by the 35th state.

**Committee Amendment "A" (H-209)** proposed to incorporate a fiscal note.

### *Enacted Law Summary*

Public Law 2003, chapter 500 creates the Interstate Compact for Juveniles. The law enters Maine into a compact among enacting states to oversee, supervise and coordinate the interstate movement of juveniles who are on