

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).

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

section of law that deals with detention of juveniles charged as adults from Title 15, section 1102 to section 3206.

LD 1497

An Act To Amend the Laws Pertaining to the Department of Corrections

PUBLIC 205

<u>Sponsor(s)</u> BUNKER STRIMLING	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-248
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LD 1497 proposed to:

1. Provide that, upon the request of the Department of Corrections, an adult in the drug court be required to pay a substance testing fee. This is similar to a provision that applies to adult probationers under Title 17-A, section 1204;
2. Amend the supervised community confinement program to allow release to a hospice when medically appropriate;
3. Specify that the sheriff must directly provide all jail time credits to the department. Currently, post-sentencing jail time credits are provided by the sheriff, but presentence jail time credits are provided by the prosecutor, who receives this information from the sheriff and relays the information to the correctional facility. This change would eliminate a step in the process and make the flow of information more efficient and timely;
4. Replace Title 34-A, section 3003 with Title 34-A, section 1216. This provision applies to probationers as well as prisoners, so it did not belong in the Part of the Title that covers only correctional facilities. The language of the provision was not changed;
5. Delete Title 34-A, section 3036 pertaining to halfway houses, as this section is obsolete and unnecessary; and
6. Fix cross-references to reflect the sections of law repealed by this bill.

Committee Amendment "A" (H-248) proposed that, upon the request of the Department of Corrections, the court may order a defendant to pay a substance abuse testing fee as a requirement of participation in the alcohol or drug treatment program. This amendment also proposed to give the attorney for the State an opportunity to review calculations of presentence detention for purposes of determining when a defendant may be released from incarceration. The amendment also proposed to add an appropriation and allocation section and fiscal note to the bill.

Enacted Law Summary

Public Law 2003, chapter 205 does the following.

1. It provides that, upon the request of the Department of Corrections, a court may order a defendant to pay a substance testing fee as a requirement of participation in an alcohol or drug treatment program.

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2. It amends the supervised community confinement program to allow release to a hospice when medically appropriate.
3. It updates language in the crime of assault against a corrections officer.
4. It clarifies the process for revocation of a period of supervised release of sex offenders pursuant to Title 17-A, subchapter 50. Public Law 2003, chapter 205 clarifies that when a person's supervised release is revoked, the remaining period of supervised release that is not required to be served in prison remains in effect to be served after the person is released and is subject to revocation again. This clarification is consistent with the process for revocation of probation.
5. It clarifies the process for sheriffs communicating information regarding presentence jail time credits. It requires a sheriff to provide all presentence jail time credits to the department and to the attorney for the State for the attorney's review. The attorney for the State then has a 15-day opportunity to review calculations of presentence detention for purposes of determining when a defendant may be released from incarceration.
6. It also fixes cross-references, repeals obsolete language and makes technical corrections.

LD 1498

An Act To Improve Access by the Department of Corrections to Federal Funds under Title IV-E of the Federal Social Security Act

PUBLIC 503

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRIMLING GERZOFKY	OTP-AM	S-118 S-301 CATHCART

LD 1498 proposed to amend Title 15, section 3314, subsection 1, paragraph H so that when a juvenile was given a "shock" sentence, or 30-day short term sentence, the court would have to make the reasonable-efforts determination required for federal funding under Title IV-E of the Social Security Act. This bill also proposed to amend Title 15, section 3314, subsection 2 to add a provision so that whenever a probation revocation resulted in a juvenile's being committed to a department facility, whether for an indeterminate time or for a "shock" sentence, the court would have to make the reasonable-efforts determination required for federal funding under Title IV-E of the Social Security Act. Similarly, Title 15, section 3314 would be amended so that the determination was made whenever a court orders continued detention pending a probation revocation. Compliance with the requirements of Title IV-E is necessary to receive federal funds for juveniles who are placed outside of their homes. Finally, this bill proposed to amend Title 15, section 3315, subsection 3 to end the reviews of these reasonable-efforts determinations once a juvenile reached 18 years of age, when eligibility for federal funding would cease.

Committee Amendment "A" (S-118) proposed to add an appropriation and allocation section to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-301) proposed to remove the General Fund appropriation to the Judicial Department.