

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
Sen. David L. Carpenter*

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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).

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

LD 1821

An Act To Increase the Amount of Restitution Allowed for State and Municipal Fire Service

PUBLIC 556

| | | |
|--|-----------------------------------|------------------------------------|
| <u>Sponsor(s)</u> DUPLESSIE BRYANT | <u>Committee Report</u> OTP-AM | <u>Amendments Adopted</u> H-713 |
|--|-----------------------------------|------------------------------------|

LD 1821

Current law provides that any person who engages in out-of-door burning in violation of the law or who fails to comply with any stated permit condition or restriction commits a Class E crime. If the State proves that while in violation that person's out-of-door fire resulted in fire suppression costs to municipalities or State Government, the court may order restitution to a municipality not exceeding \$2,000 and total restitution to municipalities and the State not exceeding \$10,000. LD 1821 proposed to increase the limit on restitution to \$25,000 for a municipality and \$125,000 for total restitution to municipalities and State Government.

Committee Amendment "A" (H-713) proposed to add a fiscal note.

Enacted Law Summary

Public Law 2003, chapter 556 increases limits on restitution that may be paid by persons engaging in out-of-door burning. Current law provides that any person who engages in out-of-door burning in violation of the law or who fails to comply with any stated permit condition or restriction commits a Class E crime. If the State proves that while in violation that person's out-of-door fire resulted in fire suppression costs to municipalities or State Government, the court may order restitution to a municipality not exceeding \$2,000 and total restitution to municipalities and the State not exceeding \$10,000. Public Law 2003, chapter 556 increases the limit on restitution to \$25,000 for a municipality and \$125,000 for total restitution to municipalities and State Government.

LD 1832

An Act To Maintain the Current Statutes Regarding Unlawful Solicitation To Benefit Law Enforcement Agencies

**PUBLIC 560
EMERGENCY**

| | | |
|-------------------|--------------------------------|---------------------------|
| <u>Sponsor(s)</u> | <u>Committee Report</u> OTP | <u>Amendments Adopted</u> |
|-------------------|--------------------------------|---------------------------|

LD 1832 proposed to remove language that repeals the current law regarding unlawful solicitation to benefit law enforcement agencies. This bill proposed to allow a person to continue to solicit as long as the property solicited in no way tangibly benefits the solicitor.