

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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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

- D. Report findings to the joint standing committees of the Legislature having jurisdiction over health and human services and criminal justice and public safety matters; and

14. Direct the Criminal Law Advisory Commission to:

- A. Review the Sex Offender Registration and Notification Act of 1999 to identify all crimes of gross sexual assault and unlawful sexual contact that currently do not require any registration;
- B. Assess whether the current Maine crimes listed as sex offenses and sexually violent offenses are appropriate under the federal guidelines for the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, 42 United States Code, Section 14071, as amended; and
- C. Report its findings and any proposed changes to the Joint Standing Committee on Criminal Justice and Public Safety.

LD 1855 was not enacted, but an amended version of the bill was incorporated into Committee Amendment "A" (H-860) to LD 1903, which was enacted as Public Law 2003, chapter 711.

LD 1856

An Act To Implement the Recommendations of the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners

PUBLIC 707

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---|
| | OTP-AM | H-833 H-976 BLANCHETTE S-571 GAGNON |

LD 1856 proposed to implement a number of the recommendations of the Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners, which was created pursuant to Public Law 2003, chapter 451. The bill proposed to add 2 additional legislators to the membership of the commission and to extend the initial reporting date of the commission to February 2, 2004. The bill also proposed to extend the life of the commission to January 1, 2005, authorizing additional meetings and a final report, including legislation, to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters. Finally, LD 1856 proposed to authorize the commission to carry forward any remaining funds appropriated in fiscal year 2004-05.

Committee Amendment "A" (H-833) proposed to increase from 17 to 23 the membership of the Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners. The new members proposed to be added include a representative of the Maine Chiefs of Police Association; domestic violence and sexual assault victims service providers; the Commissioner of Inland Fisheries and Wildlife; and one senator representing the 2nd-largest political party in the Senate and one representative representing the 2nd-largest political party in the House of Representatives. The amendment proposed that Legislators may continue to serve on the commission, even if not reelected to serve in the Legislature in November 2004. The amendment also proposed to add a fiscal note.

Joint Standing Committee on Criminal Justice and Public Safety

House Amendment "A" (H-976) proposed to strike the emergency preamble and the emergency clause from the bill.

Senate Amendment "A" (S-571) proposed to amend the bill to conform to the study guidelines approved by the Legislative Council. Specifically, the amendment proposed to specify that the commission is authorized to meet only 4 more times and to report its findings to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by November 3, 2004, instead of by January 1, 2005.

Enacted Law Summary

Public Law 2003, chapter 707 increases from 17 to 23 the membership of the Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners, which was created pursuant to Public Law 2003, chapter 451. The new members added include a representative of the Maine Chiefs of Police Association; domestic violence and sexual assault victims service providers; the Commissioner of Inland Fisheries and Wildlife; and one senator representing the 2nd-largest political party in the Senate and one representative representing the 2nd-largest political party in the House of Representatives. Legislators may continue to serve on the commission, even if not reelected to serve in the Legislature in November 2004. Public Law 2003, chapter 707 also extends the life of the commission to January 2005, authorizing 4 additional meetings and a final report, including legislation, to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters.

LD 1903

An Act To Further Implement the Recommendations of the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners and the Recommendations of the Commission To Improve Community Safety and Sex Offender Accountability

PUBLIC 711

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---|
| | OTP-AM | H-860 H-884 BLANCHETTE S-601 CATHCART |

LD 1903 proposed to implement the recommendations of the Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners, which was established pursuant to Public Law 2003, chapter 451. The bill proposed to do the following:

1. Expand the responsibility of the Judicial Branch's Drug Coordinator to include all criminal diversion programs and changes the title of the position to "Coordinator of Diversion and Rehabilitation Programs;"
2. Increase the monetary threshold for classification of theft crimes for Class C and Class D crimes, including the crimes of forgery and negotiating a worthless instrument;
3. Decrease from a Class C to a Class D crime burglary of a motor vehicle;
4. Decrease from a Class C to a Class D crime an inmate's failure to appear for work, school or a meeting with the inmate's supervising officer while the inmate is on intensive supervision or supervised community confinement;