

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on
Criminal Justice and Public Safety*

August 2005

Members:

Sen. Bill Diamond, Chair

Sen. John M. Nutting

Sen. Dean F. Clukey

Rep. Patricia A. Blanchette, Chair

Rep. Stan Gerzofsky

Rep. Carol A. Grose

Rep. Rosaire "Ross" Paradis, Jr.

Rep. Stephen P. Hanley

Rep. Richard M. Sykes

Rep. John W. Churchill

Rep. Christian D. Greeley

Rep. Kimberly J. Davis

Rep. Gary E. Plummer

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Maine State Legislature

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122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 organized by committees 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. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included 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:

- CARRIED OVER Bill Carried Over to Second Regular Session
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
OTP ND/NT..... Committee report Ought To Pass In New Draft/New Title
P&S XXX..... Chapter # of enacted Private & Special Law
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 the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

Joint Standing Committee on Criminal Justice and Public Safety

LD 530 **An Act To Prevent Convicted Felons from Possessing Firearms** **ONTP**

<u>Sponsor(s)</u> SAVAGE MCKENNEY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 530 proposed to prohibit a person convicted of a felony from possessing firearms. Current law allows a person whose sentence has been completely discharged for at least 5 years to apply to the Commissioner of DPS for a permit to possess a firearm. This bill proposed to remove the commissioner’s discretion to grant such a permit to possess. Because the federal government prohibits possession of firearms by all felons but creates an exception for possession of antique firearms, the ultimate result of LD 530 would have been that the commissioner could no longer authorize an applicant to possess black powder long guns.

LD 534 **An Act To Clarify the Authority of the Maine State Police** **ONTP**

<u>Sponsor(s)</u> STRIMLING	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 534 proposed to repeal the authority for the State Police to contract with municipalities to provide law enforcement services.

LD 542 **An Act To Encourage Greater Efficiencies in the Delivery of County Correctional Services** **ONTP**

<u>Sponsor(s)</u> DAMON BARSTOW	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 542 was a concept draft pursuant to Joint Rule 208.

This bill proposed to encourage greater efficiencies in the delivery of county correctional services using one or more of the following:

1. State funds for cost-benefit analyses and start-up expenses of innovative and cost-saving correctional facilities and programs, including those shared by 2 or more counties;
2. State financial incentives through the community corrections provisions of the Maine Revised Statutes, Title 34-A, section 1210-A for a county or group of counties that demonstrate an ability to reduce the cost of providing correctional services while maintaining the level of service required by state and federal rules, laws and constitutional requirements;
3. Reductions in existing legal, geographic, technological and other impediments to the more efficient delivery of correctional services, including, but not limited to:

Joint Standing Committee on Criminal Justice and Public Safety

- A. Legal barriers to holding pretrial judicial proceedings and trials in the court nearest the place of incarceration in order to reduce inmate transport costs; and
 - B. Increased utilization of video circuits for arraignments and other proceedings; and
4. A state-administered county correctional facility construction agency modeled along the lines of the programs that finance the construction of public schools or state government facilities.

LD 548 **An Act To Enhance the Prosecution of Child Pornography Cases** **PUBLIC 345**

<u>Sponsor(s)</u> SYKES	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-577
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Under current law, it is illegal to depict a person under 14 years of age in sexually explicit material. This bill proposed to raise the age to under 16 years of age. This bill also proposed to create the affirmative defenses to the crimes of dissemination of sexually explicit material and possession of sexually explicit material that the alleged minor depicted is not an actual person or is not a minor.

Committee Amendment "A" (H-132) proposed to incorporate a fiscal note. This amendment was not adopted.

Committee Amendment "B" (H-577) proposed to strike from the bill the affirmative defense that the alleged minor depicted is not an actual person or is not a minor. The amendment instead proposed to amend the permissible inference provision that, subject to Rule 303 of the Maine Rules of Evidence, authorizes one to draw an inference that the person depicted is an actual person.

Enacted law summary

Under current law, it is illegal to depict a person under 14 years of age in sexually explicit material. Public Law 2005, chapter 345 raises the age to under 16 years of age. Public Law 2005, chapter 345 also amends the permissible inference provision that, subject to Rule 303 of the Maine Rules of Evidence, authorizes one to draw an inference that the person depicted is an actual person.

LD 554 **An Act To Strengthen Probation Requirements for Convicted Sex Offenders** **ONTP**

<u>Sponsor(s)</u> BERUBE SNOWE-MELLO	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 554 proposed to increase the period of probation to life for persons convicted of more than one sex offense.