

# 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*

**Staff:**

*Marion Hylan Barr, Legislative Analyst*

*Office of Policy and Legal Analysis*

*13 State House Station*

*Augusta, ME 04333*

*(207) 287-1670*



Maine State Legislature

OFFICE OF POLICY & LEGAL ANALYSIS

13 State House Station, Room 215 Cross State Office Building
Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

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

commissioner to authorize contract officers to perform the same function. Contract officers would be exempt from the basic law enforcement training requirements.

### *Enacted law summary*

Public Law 2005, chapter 139 allows the Commissioner of Public Safety to reach agreements with law enforcement agencies to authorize those agencies to enforce administrative sanctions against liquor licensees and the licensees' agents and employees. Public Law 2005, chapter 139 also allows the commissioner to authorize contract officers to perform the same function. The contract officers are exempt from the basic law enforcement training requirements.

**LD 638**

### **An Act To Protect Public Safety and Help Offenders Return Safely to the Community**

**ONTP**

Sponsor(s)  
FAIRCLOTH

Committee Report  
ONTP

Amendments Adopted

LD 638 proposed to expand the list of Class D and Class E offenses for which sentencing alternative of probation may be imposed to include:

1. A Class D or Class E crime that was initially charged by the attorney for the State as a Class A, Class B or Class C crime;
2. A Class D crime committed by a person who has a prior conviction for a Class A, Class B, Class C or Class D crime under the Maine Revised Statutes, Title 17-A; a prior conviction under the laws governing operating under the influence; or a prior conviction under the laws governing habitual offenders;
3. A Class D crime for failure to control or report a dangerous fire;
4. A Class D crime for possession of a schedule W drug; and
5. A Class D crime for cruelty to animals.

The bill also proposed to expand the list of Class A, Class B and Class C offenses for which the former statutory length of probation, which is 6 years for Class A crimes and 4 years for Class B and C crimes, may be imposed. The bill proposed that the former statutory length of probation may be imposed if the State pleads and proves that a person was convicted of a Class A, Class B or Class C crime and has a prior conviction for a Class A, Class B, Class C or Class D crime under Title 17-A, a prior conviction under the laws governing operating under the influence or a prior conviction under the laws governing habitual offenders. The bill also proposed that the former statutory length of probation may be imposed if the State pleads and proves that a person was convicted of unlawful trafficking in a schedule W drug, aggravated trafficking of scheduled drugs or certain offenses involving possession of a schedule W drug.

The bill also proposed to provide that a person sentenced to a term of imprisonment on or after October 1, 2005 may receive a reduction in that term of imprisonment of up to 3 days per calendar month for good behavior and up to 2 days per calendar month for fulfillment of responsibilities assigned in the person's transition plan for work, education or rehabilitation programs.