

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

<u>Members</u>: 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, <u>History and Final Disposition of Legislative Documents</u>, 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	Bill Carried Over to Second Regular Session
CONF CMTE UNABLE TO AGREE	
DIED BETWEEN BODIES	House & Senate disagree; bill died
DIED IN CONCURRENCE	One body accepts ONTP report; the other indefinitely postpones the bill
	Action incomplete when session ended; bill died
EMERGENCY	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PAS	SAGE Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE	Bill failed to get majority vote
FAILED MANDATE ENACTMENT	
NOT PROPERLY BEFORE THE BODY	
INDEF PP	
ONTP	
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
	Chapter # of finally passed Resolve
	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 872 An Act To Extend Registration for Violent Sex Offenders ONTP

Sponsor(s)	Committee Report	Amendments Adopted
GERZOFSKY	ONTP	_
BRYANT B		

LD 872 proposed to extend the application of the Sex Offender Registration and Notification Act of 1999 to persons convicted of a sexually violent offense after January 1, 1982.

This bill was not enacted, but the making registration retroactive to January 1, 1982 was incorporated into Committee Amendment "A" to LD 1433, An Act to Amend the Sex Offender Registration and Notification Act of 1999. (See also Public Law 2005, chapter 423.)

LD 874 An Act To Amend the Laws Governing Concealed Firearms DIED BETWEEN Permits HOUSES

Sponsor(s)	Committee Report		Amendments Adopted
CEBRA	ONTP	MAJ	
	OTP-AM	MIN	

LD 874 proposed to amend the concealed firearms permit requirements in the following ways:

- 1. Remove the limit of a reciprocity agreement being only with 2 other states;
- 2. Require the Chief of the State Police to enter into a reciprocity agreement with another state if that other state has equal or stricter concealed firearms permit requirements and the other state grants reciprocity to concealed firearm permits issued in the State; and
- 3. Remove the requirement that the applicant for a concealed firearms permit be of "good moral character."

Committee Amendment "A" (H-385) proposed to replace the bill and was the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment proposed to remove from the current reciprocity law the restriction that the Chief of the State Police may enter into reciprocity agreements with only 2 other states and to allow the Chief of the State Police to enter into reciprocity agreements with an unlimited number of states if those states meet all other statutory criteria for reciprocity. This amendment was not adopted.

LD 893 An Act To Change Mandatory Minimum Sentences in Certain ONTP Cases

Sponsor(s)	Committee Report	Amendments Adopted
MILLS P	ONTP	-

LD 893 proposed to affect sentences in criminal cases in the following ways:

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- 1. Decrease the minimum sentence of imprisonment for murder from 25 to 20 years;
- 2. Repeal mandatory sentences for aggravated trafficking of scheduled drugs, aggravated trafficking or furnishing of counterfeit drugs, aggravated furnishing of scheduled drugs, and aggravated cultivating of marijuana;
- 3. Grant the sentencing court the authority to deviate from a mandatory minimum sentence and mandatory minimum fine in those circumstances when the court determines that the mandatory fine or sentence would create a substantial injustice and the deviation would not diminish the gravity of the offense or adversely affect public safety. The bill proposed that specific factors must be considered by the court before deviating from the mandatory minimum, including: the nature of the crime; recommendations of the victim, victim's family and the prosecutor; the defendant's prospects for rehabilitation, credible demonstration of remorse and comprehension of the consequences of the crime; and the age, background, physical and mental condition of the defendant, the defendant's family circumstances and whether the crime was a single aberration in the life of the defendant;
- 4. Remove the cap on fines for operating under the influence and instead authorize the court to impose up to the maximum fine allowed for that specific class of crime; and
- 5. Change the class of crime for a 3rd OUI conviction in less than 10 years from a Class D to a Class C crime. It also proposed to change the class of crime for 4 or more OUI convictions in a 10-year period from a Class C crime to a Class B crime and to authorize the court to permanently revoke the driver's license of a person convicted of 4 or more OUI violations in a 10-year period.

LD 903 An Act To Strengthen the Penalties for Furnishing Alcohol to or PUBLIC 292 Allowing Consumption of Alcohol by Minors

Sponsor(s)	Committee Report		Amendments Adopted
NUTTING J	OTP-AM	MAJ	S-237
BLANCHETTE	OTP-AM	MIN	

LD 903 proposed to require that a minor who purchases alcohol and an adult who furnishes a minor with the alcohol each receive suspensions of their operator's licenses and to allow a court to grant an operator suspended by these provisions a restricted license in order to go to work, school or a court-ordered counseling program.

Committee Amendment "A" (S-237) was the majority report of the Joint Standing Committee on Criminal Justice and Public Safety. This amendment proposed to replace the bill and to do the following:

- 1. Change the title of the bill;
- 2. Increase from less than 14 years of age to less than 18 years of age the age of a minor for purposes of penalizing the first offense of furnishing liquor to a minor. The penalty would be a mandatory fine of \$500, none of which may be suspended;
- 3. Increase from \$500 to \$1,000 the fine for a 2nd offense of furnishing alcohol to a minor within a 6-year period, none of which may be suspended;