

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.

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LD 919 proposed to require law enforcement agencies to provide direct public notification to schools and daycare centers that are located within 1,000 feet of a sex offender registrant's domicile, residence, place of work or school. The bill proposed that if notification must be made to schools and day-care centers, then notification must also be made to any other neighbor located on or within 250 feet of the real property where that sex offender registrant is domiciled, resides, works or attends school. LD 919 also proposed that a registrant must pay the costs of providing this direct notification, and failure to do so would be a Class D crime.

LD 927

An Act To Decrease the Burden on Jails and Improve Treatment for People Living with Mental Illness by Fostering Jail Diversion

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAIRCLOTH	ONTP MAJ OTP-AM MIN	

LD 927 proposed to provide that a jail may not be required to dispense medications in blister packs and that a jail's medication formulary must have the same medications available as in other state institutions. It also proposed to provide that when possible the Department of Health and Human Services must assist jails with the purchase of medications through joint purchasing agreements.

The bill proposed to require that by March 30, 2006, the Department of Corrections:

1. In cooperation with the sheriffs and county commissioners, assist county jails regarding the consolidation and building of specialized units with the capacity to provide acute psychiatric care, stabilization, assessment and treatment of inmates who have been determined to require immediate hospitalization because those inmates are a danger to themselves or others or have an inability to care for self but for whom no forensic hospital beds or other appropriate alternatives are immediately available and shall report regarding the need for these units and recommendations for developing such units; and
2. In collaboration with the sheriffs, report to the Joint Standing Committees on Criminal Justice and Public Safety and Health and Human Services the practice of collecting premiums from the United States Social Security Administration for reporting inmates who receive social security income and any resulting loss of disability status for those inmates.

The bill also proposed to require several task by the Department of Health and Human Services. Specifically, by March 30, 2006, the Department of Health and Human Services would have to:

1. Report to the Joint Standing Committees on Criminal Justice and Public Safety and Health and Human Services regarding the status of the Department of Health and Human Services' implementation of Public Law 2001, chapter 659, including steps taken by the department to enforce Parts B, C and D of that law;
2. Report to the Joint Standing Committees on Criminal Justice and Public Safety and Health and Human Services regarding efforts to provide ongoing funding for community integration services for people with mental illness who receive those services and are incarcerated to prevent interruption of those services;
3. Within existing resources, prepare and present a report to the Joint Standing Committees on Criminal Justice and Public Safety and Health and Human Services comparing the cost of opening additional forensic beds at Bangor Mental Health Institute with the cost of providing additional community-based resources that would

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divert people with mental illness from jail and would help prevent inmates with mental illness from returning to jail; and

- 4. In collaboration with a statewide mental health services association, report to the Joint Standing Committees on Criminal Justice and Public Safety and Health and Human Services what enhancements are needed in Maine's crisis stabilization units to accommodate Maine's jail inmates in order to provide them with needed crisis stabilization and to avoid or reduce hospital stays.

Committee Amendment "A" (H-386) was the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment proposed to strike everything from the bill, except the provision regarding the distribution of medication by sheriffs to prisoners. The amendment proposed to maintain the provision authorizing jails to administer medication that is not in blister packs and to direct the Department of Health and Human Services to assist jails in ensuring that their formulary is the same as that of state institutions. It also proposed to clarify that the Department of Corrections is required to assist jails with the purchase of medications through joint purchasing agreements. This amendment was not adopted.

LD 928 Resolve, To Establish the Commission To Study the Commitment Process for Persons Adjudged Not Criminally Responsible ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARSTOW HOBBINS	ONTP	

LD 928 proposed to create the Commission to Study the Commitment Process for Persons Adjudged Not Criminally Responsible. The bill proposed to require that the commission review the judicial and commitment process for persons who are adjudged not criminally responsible by reason of insanity or mental disease or defect and report its findings and recommendations to the Second Regular Session of the 122nd Legislature. Specifically, the bill proposed that the commission consider:

- 1. The typical length of time of institutional inpatient residency for a person who is adjudged not criminally responsible for murder or manslaughter;
- 2. The relationship between the Department of Health and Human Services and the Judicial Department concerning the custody of persons adjudged not criminally responsible for the act of murder or manslaughter; and
- 3. The adequacy of current psychiatric examination requirements for the release or discharge of patients adjudged not criminally responsible for the act of murder or manslaughter.

LD 970 An Act To Improve Sentencing for Serious Offenders PUBLIC 447

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GREELEY	OTP-AM	H-474

LD 970 proposed to make the following changes to the sentencing laws: