

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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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
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<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
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<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:

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1. Authorize the court to revoke probation for a crime committed by an inmate who is serving a sentence that does not include probation, if the inmate also has a consecutive sentence that includes a period of probation;
2. Specify that an inmate who commits any crime while sentenced may have that sentence interrupted and serve the sentence for the new crime immediately. Currently, that authority exists only for inmates who commit crimes against corrections staff or institutional property;
3. Expand the list of violent crimes for which the classification may be increased for violent offenders to include assaults against law enforcement officers, corrections officers and emergency medical workers; and
4. For purposes of determining economic loss that may be compensated by an order of restitution, define "critical investigation expense." "Critical investigation expense" proposed to include those necessary expenses incurred by a public agency, person or organization while investigating or prosecuting suspected criminal conduct.

Committee Amendment "A" (H-474) proposed to strike from the bill the provision authorizing the court to revoke probation of a person serving a consecutive sentence who commits new criminal conduct during any period of incarceration that precedes the commencement of the period of probation.

The amendment also proposed to strike from the bill the provision that specifies that an inmate who commits any crime while sentenced may have that sentence interrupted and serve the sentence for the new crime immediately. This provision was incorporated into the committee amendment to another bill, LD 1360, "An Act to Improve the Management and Safety of State Correctional Facilities." (See also Public Law 2005, chapter 329.)

The amendment also proposed to clarify what is meant by "critical investigation expense" and to limit the collection of these expenses to cases involving embezzlement and drug investigations.

Enacted law summary

Public Law 2005, chapter 447 makes the following changes to the sentencing laws.

5. It expands the list of violent crimes for which the classification may be increased for violent offenders to include assaults against law enforcement officers, corrections officers and emergency medical workers.
6. For purposes of determining economic loss that may be compensated by an order of restitution, it defines "critical investigation expense." "Critical investigation expense" includes those necessary expenses incurred by a public agency, person or organization while investigating or prosecuting suspected criminal conduct in cases involving embezzlement and drug investigations.

LD 983

An Act To Make Technical Changes to the Maine Criminal Code

PUBLIC 207

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-323

The 121st Legislature amended the Maine Revised Statutes, Title 17-A, section 959 regarding illegal gambling machines to give the State the authority to order forfeiture of "any associated proceeds" of an illegal gambling machine. However, parallel changes to the procedural provisions in Title 17-A, section 959, subsections 3, 4, 5 and 6 were not made. LD 983 proposed to correct the omission.