

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

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.

Joint Standing Committee on Criminal Justice and Public Safety

LD 983 also proposed to replace an outdated reference to former Title 17-A, section 1205, subsection 8 with a reference to current section 1205-C, subsections 5 and 6. Former Title 17-A, section 1205, subsection 8 was repealed by Public Law 1999, chapter 246.

Committee Amendment "A" (H-323) proposed to correct an oversight by adding "reckless conduct; assault" under the Maine Revised Statutes, Title 19-A, section 4011, subsection 4 to the provisions regarding the violation of a protective order under Title 17-A, section 506-B, which pertains to a person who is subject to a protective order issued under Title 19-A and violates that order. The Class C violation under Title 19-A, section 4011, subsection 4 was enacted in Public Law 2001, chapter 420, and the crime was never added to Title 17-A, section 506-B, which lists each type of protective order.

This amendment also proposed to clarify the application of the increased good time authorized pursuant to Public Law 2003, chapter 711 by indicating that the new increases in good time apply only to crimes other than sex offenses and domestic violence offenses. For these crimes, as well as for murder, the prior good time provisions apply.

Enacted law summary

Public Law 2005, chapter 207 makes a number of technical changes and corrections to the Maine Criminal Code.

1. 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. Public Law 2005, chapter 207 corrects the omission.
2. Public Law 2005, chapter 207 replaces an outdated reference to former Title 17-A, section 1205, subsection 8 with a reference to current section 1205-C, subsections 5 and 6. Former Title 17-A, section 1205, subsection 8 was repealed by Public Law 1999, chapter 246.
3. Public Law 2005, chapter 207 corrects an oversight by adding "reckless conduct; assault" under the Maine Revised Statutes, Title 19-A, section 4011, subsection 4 to the provisions regarding the violation of a protective order under Title 17-A, section 506-B, which pertains to a person who is subject to a protective order issued under Title 19-A and violates that order. The Class C violation under Title 19-A, section 4011, subsection 4 was enacted in Public Law 2001, chapter 420, and the crime was never added to Title 17-A, section 506-B, which lists each type of protective order.
4. Public Law 2005, chapter 207 also clarifies the application of the increased good time authorized pursuant to Public Law 2003, chapter 711 by indicating that the new increases in good time apply only to crimes other than sex offenses and domestic violence offenses. For these crimes, as well as for murder, the prior good time provisions apply.

LD 984

An Act To Amend the Crime of Escape

PUBLIC 63

Sponsor(s)

Committee Report
OTP

Amendments Adopted