

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 984 proposed to clarify that the Maine Revised Statutes, Title 17-A, section 755, subsection 1-D addresses 2 post-arrest escapes: an unauthorized departure from custody following an arrest prior to being transported from the scene and an unauthorized departure following an arrest while being transported to an initial place of detention or a courthouse. The bill proposed that a courthouse is expressly included to cover an escape from a court-ordered arrest in which the court has ordered the person to be brought directly before the court following the arrest. The bill proposed to remove the reference to "or any other facility enumerated in subsection 3", because subsection 3 includes facilities not relevant to the post-arrest escapes addressed in subsection 1-D. The bill also proposed to specify that the culpable state of mind element, "intentionally," must accompany the prohibited conduct, which is consistent with all the other forms of escape described in Title 17-A, section 755.

Enacted law summary

Public Law 2005, chapter 63 clarifies that the Maine Revised Statutes, Title 17-A, section 755, subsection 1-D addresses 2 post-arrest escapes: an unauthorized departure from custody following an arrest prior to being transported from the scene and an unauthorized departure following an arrest while being transported to an initial place of detention or a courthouse. A courthouse is expressly included to cover an escape from a court-ordered arrest in which the court has ordered the person to be brought directly before the court following the arrest. The reference to "or any other facility enumerated in subsection 3" is removed, because subsection 3 includes facilities not relevant to the post-arrest escapes addressed in subsection 1-D. Public Law 2005, chapter 63 also specifies that the culpable state of mind element, "intentionally," must accompany the prohibited conduct, which is consistent with all the other forms of escape described in Title 17-A, section 755.

LD 1018

An Act To Require a Criminal Background Check for the Initial Licensure of Emergency Medical Services Personnel **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYKES	OTP-AM MAJ OTP-AM MIN	H-472

LD 1018 proposed to specify that a criminal background check is required only for an applicant for initial licensure as an emergency medical services person. For purposes of EMS licensing now, pursuant to board policy a person must renew a background check every 3 years. The board is authorized by law to establish EMS licensing requirements.

Committee Amendment "A" (H-472) was the majority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment proposed to clarify what is intended by a criminal history record check and to conform the language and the process to other statutes regarding the use of criminal history record information for employment or licensing purposes. In order to ensure that all licensed emergency medical services providers are subject to a criminal history record check, the amendment also proposed to specify that those persons who already have a license to provide emergency medical services but never had a criminal history record check must submit to a check at the time they apply for license renewal. Applicants who were subject to a criminal history record check at initial licensure would not be subject to a check at renewal.

Committee Amendment "B" (H-473) was the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment proposed to clarify what is intended by a criminal history record check

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and to conform the language and the process to other statutes regarding the use of criminal history record information for employment or licensing purposes. This amendment was not adopted.

LD 1018 was carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature.

LD 1027 **An Act To Ensure the Safety of Victims of Domestic Violence** **PUBLIC 388
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PELLETIER-SIMPS SULLIVAN	OTP-AM MAJ ONTP MIN	H-531

LD 1027 proposed to require that a defendant charged with a crime in which domestic violence is suspected must be held for at least 4 hours before being released on bail.

Committee Amendment "A" (H-531) was the majority report of the Joint Standing Committee on Criminal Justice and Public Safety. This amendment proposed to replace the bill, change the title, add an emergency and create the definition of "confidential communications" in the Maine Revised Statutes, Title 16, section 53-B, which deals with privileged communications to a victim advocate. The purpose of the new definition is to clarify that a victim, advocate or advocate's agency may not be required to disclose or report personal identifying information of a victim of domestic violence to any agency, including the central reporting system of the Federal Government known as the Homeless Management Information System. The amendment also proposed to add an emergency preamble and clause and amend the title to reflect the purpose of the amendment.

Enacted law summary

Public Law 2005, chapter 388 creates the definition of "confidential communications" in the Maine Revised Statutes, Title 16, section 53-B, which deals with privileged communications to a victim advocate. The purpose of the new definition is to clarify that a victim, advocate or advocate's agency may not be required to disclose or report personal identifying information of a victim of domestic violence to any agency, including the central reporting system of the Federal Government known as the Homeless Management Information System.

Public Law 2005, chapter 388 was enacted as an emergency measure effective June 14, 2005.

LD 1114 **An Act To Strengthen the OUI Laws** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS J DAVIS P	ONTP	

LD 1114 proposed to amend the OUI laws by:

1. Establishing a mandatory sentence of 20 days in jail for 2 OUI offenses committed within a 5-year period;