

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

LD 1195 **An Act To Protect Women and Children from Sexual Predators by Requiring the State Bureau of Identification to Distribute Registrant Information to Town Clerks** **ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------|---------------------------|
| VAUGHAN DAVIS P | ONTP | |

LD 1195 proposed to change the names of the crimes of gross sexual assault and sexual abuse of a minor to rape and child molestation. The bill also proposed to require the Department of Public Safety, State Bureau of Identification to distribute information contained in the sex offender registry to town clerks of towns that do not have police departments. The bill also proposed to require a law enforcement agency to notify the bureau by electronic mail if the law enforcement agency has a registrant in its custody.

LD 1237 **An Act To Amend the Sentencing Laws** **ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| TARDY NASS R | ONTP | |

LD 1237 proposed to allow a court to grant a period of probation as part of an alternative sentence in certain Class D or Class E crimes if the court is satisfied that the period of probation is necessary to deter future criminal conduct or for the safety of the victim of the crime. The bill also proposed to require that a conversion to administrative release or a termination and discharge may not be ordered unless notice of the motion is given to the person's probation officer and the prosecuting attorney. The bill also proposed to make changes to the procedures for issuing a warrant or summons in a commencement of administrative release revocation proceeding.

LD 1249 **An Act To Amend the Crimes of Unlawful Sexual Contact and Unlawful Sexual Touching** **PUBLIC 450**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| | OTP-AM | H-325 |

LD 1249 proposed to expand the crimes of unlawful sexual contact and unlawful sexual touching by prohibiting a psychiatrist, psychologist or licensed social worker or a purported psychiatrist, psychologist or licensed social worker from engaging in sexual contact or sexual touching with a patient or client undergoing mental health therapy by the treating psychiatrist, psychologist or licensed social worker. This proposed change is consistent with the crime of gross sexual assault in 17-A MRSA, section 253, subsection 2, paragraph I.

Committee Amendment "A" (H-325) proposed to incorporate a fiscal note.

Joint Standing Committee on Criminal Justice and Public Safety

Enacted law summary

Public Law 2005, chapter 450 expands the crimes of unlawful sexual contact and unlawful sexual touching by prohibiting a psychiatrist, psychologist or licensed social worker or a purported psychiatrist, psychologist or licensed social worker from engaging in sexual contact or sexual touching with a patient or client undergoing mental health therapy by the treating psychiatrist, psychologist or licensed social worker. This change makes the crimes of unlawful sexual contact and unlawful sexual touching consistent with the crime of gross sexual assault in 17-A MRSA, section 253, subsection 2, paragraph I.

LD 1254

An Act Concerning Concealed Firearms Permits

ONTP

Sponsor(s)
DAVIS P
HOTHAM

Committee Report
ONTP

Amendments Adopted

LD 1254 proposed to repeal and replace the concealed firearms permit reciprocity law with a provision that would allow:

1. A person from another state to carry a concealed firearm in Maine if that person has a permit to carry a concealed firearm issued by a state that grants reciprocity to concealed firearms permits issued by Maine; or
2. A person to carry a concealed firearm in Maine if that person's state does not require any permit to carry a concealed firearm.

LD 1271

An Act Regarding Criminal Use of an Electronic Weapon

PUBLIC 264

Sponsor(s)
BLANCHETTE
DIAMOND

Committee Report
OTP-AM

Amendments Adopted
H-449

LD 1271 proposed to create the Class D crime of possession of an electronic weapon. The bill proposed that a person is guilty of possession of an electronic weapon if the person possesses an electronic weapon. The bill also proposed that that persons excepted from the new crime of possession include law enforcement officers and corrections officers while carrying out their duties and if their appointing authority has authorized use of the weapon and suppliers of electronic weapons.

Committee Amendment "A" (H-449) proposed to replace the bill and to criminalize the intentional, knowing or reckless use of an electronic weapon by a person against another human being with 2 exceptions. First, the amendment proposed that the crime not apply to the use of an electronic weapon by a law enforcement officer, corrections officer or corrections supervisor while engaged in the performance of public duty if an appointing authority has authorized such use of an electronic weapon under the circumstance. Second, the amendment proposed that the crime not apply to the use of electronic weapons by persons when legally entitled to employ deadly force to protect themselves or 3rd persons pursuant to the Maine Revised Statutes, Title 17-A, section 108, subsection 2 or to defend their dwelling places pursuant to Title 17-A, section 104, subsections 3 and 4. The