

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

Staff:

Marion Hylan Barr, Legislative Analyst

Office of Policy and Legal Analysis

13 State House Station

Augusta, ME 04333

(207) 287-1670



Maine State Legislature

OFFICE OF POLICY & LEGAL ANALYSIS

13 State House Station, Room 215 Cross State Office Building
Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

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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10. It extends from June 1, 2005 to June 1, 2006 the date by which law enforcement agencies must adopt policies regarding community sex offender notification and extends from January 1, 2006 to January 1, 2007 the date by which all law enforcement officers must be trained regarding the community sex offender notification policy.
11. It clarifies that the Maine Administrative Procedure Act must be used for all decertification procedures when an officer engages in prohibited conduct.
12. It makes minor technical changes and eliminates outdated language.

LD 1376

Resolve, Directing the Department of Corrections To Establish a Pilot Project at the Department's Juvenile Correctional Facilities

RESOLVE 101

Sponsor(s)
STRIMLING
BLANCHETTE

Committee Report
OTP-AM

Amendments Adopted
S-288

LD 1376 proposed to provide that a disposition under the Maine Juvenile Code must be reviewed not less than once in every 6 months until the juvenile is discharged. Current law requires a review not less than once in every 12 months. The bill also proposed to provide that whenever a juvenile is committed to the custody of the Department of Corrections, the court shall assign a guardian ad litem to represent the juvenile, and the court shall set a date for review of that commitment. The bill proposed that at the initial review the court shall review a report submitted by the guardian ad litem and copied to the district attorney and attorney general, who may file a written response. The bill further proposed that the guardian ad litem must attend the initial review and the attorney general may attend. The bill proposed that if a complete review is determined to be necessary, one is held and witnesses may be called. The bill also proposed that if the court determines that necessary services are not being provided by Department of Corrections, the court may direct Department of Corrections to provide those services within a specified time and may schedule a further review. At that review, the court could amend the disposition.

The bill also proposed that guardians ad litem must be provided full access to juvenile records throughout the process and must be invited to classification conferences and any review meetings.

The bill proposed that at least 28 days before any review, the facility in which a juvenile is being held must provide the court and guardian ad litem with information including copies of assessments, case plans, psychological and psychiatric evaluations, treatment plans and any other assessments and minutes from meetings regarding the juvenile.

Committee Amendment "A" (S-288) proposed to replace the bill with a resolve that directs the Commissioner of Corrections to create a pilot project to determine the need for judicial review of the services provided to at-risk juveniles committed to a Department of Corrections juvenile facility. The amendment proposed that the commissioner determine criteria for participation of the juveniles in the pilot project, which could include up to 15 juveniles at each facility. The amendment proposed that the pilot project must include guardians ad litem at the Long Creek Youth Development Center recommended by a selection committee, appointed by the juvenile court and trained by the department. The amendment also proposed that the pilot project must include an advocate to work with selected juveniles at the Mountain View Youth Development Center. The amendment proposed to require that the advocate and guardians ad litem meet and work regularly with the juveniles, the

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parents, guardians or legal custodians and review the juveniles' assessments and treatment plans. Within 12 months the advocate and guardians ad litem would have to prepare written reports regarding the services being provided to the juveniles. The amendment proposed that these reports must be provided to the juvenile court, the superintendents of the facilities and the parents, guardians or legal custodians of the juveniles.

The amendment proposed that there be judicial review of the reports and potential recommendations for amended services for juveniles, which the department may implement as it determines appropriate. The amendment proposed to require an evaluation of the pilot project with a report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 15, 2008. The pilot project would then terminate on April 1, 2008 unless further legislative action was taken.

Enacted law summary

Resolve 2005, chapter 101 directs the Commissioner of Corrections to create a pilot project to determine the need for judicial review of the services provided to at-risk juveniles committed to a Department of Corrections juvenile facility. The commissioner shall determine criteria for participation in the pilot of up to 15 juveniles at each facility. The pilot project must include guardians ad litem at the Long Creek Youth Development Center recommended by a selection committee, appointed by the juvenile court and trained by the department. The pilot project must also include an advocate to work with selected juveniles at the Mountain View Youth Development Center. The advocate and guardians ad litem shall meet and work regularly with the juveniles, the parents, guardians or legal custodians and shall review the juveniles' assessments and treatment plans. Within 12 months the advocate and guardians ad litem shall prepare written reports regarding the services being provided to the juveniles. These reports must be provided to the juvenile court, the superintendents of the facilities and the parents, guardians or legal custodians of the juveniles. The resolve provides for judicial review of the reports and potential recommendations for amended services for juveniles, which the department may implement as it determines appropriate. The resolve also requires an evaluation of the pilot project with a report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 15, 2008. The pilot project terminates on April 1, 2008 unless further legislative action is taken.