

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

*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.

Joint Standing Committee on Criminal Justice and Public Safety

LD 1391 **Resolve, Regarding Legislative Review of Chapter 15: Batterer Intervention Program Certification, a Major Substantive Rule of the Department of Corrections** **RESOLVE 40
EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP		

LD 1391 proposed to provide for legislative review of Chapter 15: Batterer Intervention Program Certification, a major substantive rule of the Department of Corrections.

Enacted law summary

Resolve 2005, chapter 40 authorizes final adoption of Chapter 15: Batterer Intervention Program Certification, a major substantive rule of the Department of Corrections.

Resolve 2005, chapter 40 was passed as an emergency measure effective May 20, 2005.

LD 1433 **An Act To Amend the Sex Offender Registration and Notification Act of 1999** **PUBLIC 423**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
BLANCHETTE DIAMOND		OTP-AM		H-607 S-387 GAGNON

LD 1433 proposed to amend the Sex Offender Registration and Notification Act of 1999. Specifically, the bill proposed to do the following:

1. Clarify that the Act applies to persons sentenced at any time in jurisdictions other than Maine if those persons were required to register or would have been required to register in those other jurisdictions if they had remained there;
2. Clarify that "prior conviction" means a conviction that occurred at any time. It specifies that convictions that result from or are connected with the same act or result from offenses committed at the same time are considered one conviction unless the offenses were committed against more than one victim. More than one prior conviction may have occurred on the same day;
3. Repeal language made unnecessary by Public Law 2003, chapter 711, which redefined "sex offense" and defined the terms "another state" and "jurisdiction;"
4. Give the Department of Public Safety, State Bureau of Identification authority to adopt routine technical rules necessary to implement registration and notification practices;
5. Add the duty of a registrant to give notification of the registrant's residence in Maine;

Joint Standing Committee on Criminal Justice and Public Safety

6. Specify that only the State Bureau of Identification may maintain a sex offender registry on the Internet for purposes of public access. Law enforcement agencies may maintain their own sex offender registries for internal use only and may provide a link to the bureau's Internet sex offender registry;
7. Clarify the duration of registration for persons who come to Maine and were required to register pursuant to another jurisdiction's sex offender registration statute or who would have been required to register in that other jurisdiction if the person were domiciled there;
8. Allow a 10-year registrant to apply to the State Bureau of Identification for credit for time registered in another jurisdiction. The bureau may grant credit upon a registrant's providing documentation in accordance with rules adopted by the bureau; and
9. Clarify that a domicile verification form mailed by the State Bureau of Identification to the last known address provided by a registrant during the period that the registrant is required to register is deemed received 3 days after mailing unless returned to the bureau by postal authorities.

Committee Amendment "A" (H-607) proposed to make the following changes to the Sex Offender Registration and Notification Act of 1999:

1. Amend the application section to honor other jurisdictions' determinations with respect to the obligation of offenders to register;
2. Make registration requirements retroactive to persons sentenced for sex offenses or sexually violent offenses on or after January 1, 1982 and adds language necessary to implement this change;
3. Add references to the sentencing alternative of administrative release, which was authorized by Public Law 2003, chapter 711;
4. Clarify the definition of "prior conviction" and references to jurisdiction;
5. Remove language regarding the purpose of a risk assessment instrument to clarify that other agencies besides the Department of Corrections use the tool;
6. Clarify that a registrant's home address must be the physical location of domicile or residence;
7. Clarify the registration process for persons convicted and sentenced in the State and those convicted and sentenced in another jurisdiction, including registration requirements for persons required to register in the State who are domiciled or residing outside the State;
8. Amend the violation and penalty section to specify that failure to comply with a duty imposed under the Sex Offender Registration and Notification Act of 1999 or rule adopted pursuant to it is a Class D crime for a 1st offense, a Class C crime for a 2nd offense and a Class B crime for a 3rd or subsequent offense; and
9. Add a provision that authorizes the Joint Standing Committee on Criminal Justice and Public Safety to meet as needed, but at least 3 times, during the 2005 legislative interim to review current laws governing the sentencing, registration, release and supervision of sex offenders and report out legislation to the Second Regular Session of the 122nd Legislature.

Joint Standing Committee on Criminal Justice and Public Safety

Senate Amendment "A" to Committee Amendment "A" (S-387) proposed to correct an error in Committee Amendment "A" to LD 1433, An Act to Amend the Sex Offender Registration and Notification Act of 1999, and clarify what prior conviction means for purposes of determining who is a lifetime registrant under the Sex Offender Registration and Notification Act of 1999. This correction is necessary for the State Bureau of Identification and other criminal justice officials to accurately identify lifetime registrants. This amendment also proposed to specify that the Joint Standing Committee on Criminal Justice may meet once during the interim, instead of at least 3 times, to review the criminal sentencing laws for sex offenses and the public safety issues related to registration and notification.

Enacted law summary

Public Law 2005, chapter 423 makes the following changes to the Sex Offender Registration and Notification Act of 1999.

1. It amends the application section to honor other jurisdictions' determinations with respect to the obligation of offenders to register. Specifically, it clarifies that the Act applies to persons sentenced at any time in jurisdictions other than Maine if those persons were required to register or would have been required to register in those other jurisdictions if they had remained there.
2. It makes registration requirements retroactive to persons sentenced for sex offenses or sexually violent offenses on or after January 1, 1982 and adds language necessary to implement this change.
3. It adds references to the sentencing alternative of administrative release, which was authorized by Public Law 2003, chapter 711.
4. It clarifies the definition of "prior conviction" and references to jurisdiction.
5. It removes language regarding the purpose of a risk assessment instrument to clarify that other agencies besides the Department of Corrections use the tool.
6. It clarifies that a registrant's home address must be the physical location of domicile or residence.
7. It clarifies the registration process for persons convicted and sentenced in the State and those convicted and sentenced in another jurisdiction, including registration requirements for persons required to register in the State who are domiciled or residing outside the State.
8. It amends the violation and penalty section to specify that failure to comply with a duty imposed under the Sex Offender Registration and Notification Act of 1999 or rule adopted pursuant to it is a Class D crime for a 1st offense, a Class C crime for a 2nd offense and a Class B crime for a 3rd or subsequent offense.
9. It adds a provision that authorizes the Joint Standing Committee on Criminal Justice and Public Safety to meet during the 2005 legislative interim to review current laws governing the sentencing, registration, release and supervision of sex offenders and report out legislation to the Second Regular Session of the 122nd Legislature.
10. It repeals language made unnecessary by Public Law 2003, chapter 711, which redefined "sex offense" and defined the terms "another state" and "jurisdiction."

Joint Standing Committee on Criminal Justice and Public Safety

11. It gives the Department of Public Safety, State Bureau of Identification authority to adopt routine technical rules necessary to implement registration and notification practices.
12. It adds the duty of a registrant to give notification of the registrant's residence in Maine.
13. It specifies that only the State Bureau of Identification may maintain a sex offender registry on the Internet for purposes of public access. Law enforcement agencies may maintain their own sex offender registries for internal use only and may provide a link to the State bureau's Internet sex offender registry.
14. It clarifies the duration of registration for persons who come to Maine and were required to register pursuant to another jurisdiction's sex offender registration statute or who would have been required to register in that other jurisdiction if the person were domiciled there.
15. It allows a 10-year registrant to apply to the State Bureau of Identification for credit for time registered in another jurisdiction. The bureau may grant credit upon a registrant's providing documentation in accordance with rules adopted by the bureau.
16. It clarifies that a domicile verification form mailed by the State Bureau of Identification to the last known address provided by a registrant during the period that the registrant is required to register is deemed received 3 days after mailing unless returned to the bureau by postal authorities.

LD 1439 **An Act To Increase the Penalties for Cemetery Damage** **ONTP**

<u>Sponsor(s)</u> THOMPSON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
-------------------------------	---------------------------------	---------------------------

LD 1439 proposed to require that, in addition to any other authorized sentencing alternatives, a court shall impose mandatory restitution for adult or juvenile offenders who are convicted or adjudicated of causing damage to a cemetery.

LD 1447 **An Act To Increase Civil and Criminal Penalties for Animal Cruelty** **ONTP**

<u>Sponsor(s)</u> THOMPSON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
-------------------------------	---------------------------------	---------------------------

LD 1447 proposed to increase the civil fines for cruelty to animals from \$500 to \$2,500 for a first offense to \$1,000 to \$5,000 and from \$1,000 to \$5,000 for a 2nd offense to \$2,000 to \$5,000. This bill proposed to establish fines for a 3rd or subsequent offense at \$5,000 to \$10,000. This bill proposed to increase the criminal fines for cruelty to animals from \$250 for any offense to \$1,000 to \$5,000 for a first offense, \$2,000 to \$5,000 for a 2nd offense and \$5,000 to \$10,000 for a 3rd or subsequent offense. The bill proposed that none of these fines may be suspended. This bill also proposed to require veterinarians to report cases in which they have a reasonable suspicion that animal cruelty has been committed.