

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 1517

An Act Amending the Laws Regarding Persons Not Criminally Responsible by Reason of Insanity

PUBLIC 263

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-448

LD 1517 proposed to replace disparate references to the affirmative defense of insanity in the Maine Revised Statutes, Title 15, section 103 and in Title 17-A, sections 39 and 40 with the more accurate and understandable phrase "not criminally responsible by reason of insanity," which is consistent with the Maine Rules of Criminal Procedure, Rules 11(a)(1) and 11A(h) relative to the plea of insanity. The bill also proposed to define "not criminally responsible by reason of insanity," which clarifies that Title 15, section 103 has application to any insanity plea, finding or verdict stemming from former Title 15, section 102; current Title 17-A, section 39 or any earlier version of that section; former Title 17-A, section 58; or former §17-B, chapter 149 of the Revised Statutes of 1954.

The bill also proposed to amend Title 15, section 104-A by striking the words "acquitted by reason of insanity" and replacing them with a reference to Title 15, §103, which directs a defendant's being committed following the acceptance of a negotiated insanity plea or following a verdict or finding of insanity.

Finally, the bill proposed to identify insanity as an affirmative defense and makes technical language changes to conform to legislative drafting guidelines.

Committee Amendment "A" (H-448) proposed to add the conjunction "or" to clarify the meaning of section 1 of the bill.

Enacted law summary

Public Law 2005, chapter 263 replaces disparate references to the affirmative defense of insanity in the Maine Revised Statutes, Title 15, section 103 and in Title 17-A, sections 39 and 40 with the more accurate and understandable phrase "not criminally responsible by reason of insanity," which is consistent with the Maine Rules of Criminal Procedure, Rules 11(a)(1) and 11A(h) relative to the plea of insanity. Public Law 2005, chapter 263 also defines "not criminally responsible by reason of insanity," which clarifies that Title 15, section 103 has application to any insanity plea, finding or verdict stemming from former Title 15, section 102; current Title 17-A, section 39 or any earlier version of that section; former Title 17-A, section 58; or former section 17-B, chapter 149 of the Revised Statutes of 1954. Public Law 2005, chapter 263 amends Title 15, section 104-A by striking the words "acquitted by reason of insanity" and replacing them with a reference to Title 15, section 103, which directs a defendant's being committed following the acceptance of a negotiated insanity plea or following a verdict or finding of insanity. Public Law 2005, chapter 263 also identifies insanity as an affirmative defense and makes technical language changes to conform to legislative drafting guidelines.