

# 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*

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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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caliber rifles and ammunition. The bill proposed that machine guns, assault weapons and .50 caliber rifles and ammunition manufactured, acquired, transferred or possessed in accordance with the National Firearms Act, as amended, be exempt from these laws.

The bill also proposed that the crime of knowingly manufacturing, transferring or possessing an assault weapon or .50 caliber rifle or ammunition does not apply to any law enforcement officer of the State, any law enforcement officer of another state or a territory of the United States or a member of the Armed Forces, Maine National Guard or Maine State Guard who possesses an assault weapon or .50 caliber rifle or ammunition if the possession or carrying of the weapon or .50 caliber ammunition is in the discharge of that person's official duties and has been authorized by that person's appointing authority.

**LD 1632**                      **An Act To Require the Secretary of State To Collect Information on Operating-under-the-influence Convictions from Other Jurisdictions before Issuing a Driver's License in Maine**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL	ONTP    MAJ OTP    MIN	

LD 1632 proposed to provide that an applicant for a driver's license or for the renewal of a driver's license shall disclose any OUI convictions from another jurisdiction that occurred in the 10 years prior to the application. The bill proposed that the Secretary of State may inquire of a licensee at any time regarding that licensee's OUI convictions from another jurisdiction that occurred in the 10 years prior to the inquiry.

**LD 1645**                      **Resolve, To Establish the Task Force To Study Maine's Homeland Security Needs**                      **RESOLVE 126**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS RICHARDSON J	OTP-AM	H-714   DUPLESSIE S-290

LD 1645 proposed to establish a study commission to analyze the State's homeland security needs, the State's current level of homeland security preparedness and the Federal Government's homeland security spending priorities as they relate to the State. The bill proposed that the commission be required to submit an interim report of its findings and recommendations to the Legislature by January 17, 2006 and a final report by December 15, 2006.

**Committee Amendment "A" (S-290)** proposed to strike the resolve and replace the blue ribbon commission with the Task Force to Study Maine's Homeland Security Needs. The amendment also proposed to change the membership and redefine the duties. The amendment proposed that the task force be composed of 11 members: 6 Legislators and 5 members of the public who are not directly involved in homeland security or emergency preparedness. The amendment proposed that the task force review needs and preparedness, using a report from the Governor's Homeland Security Task Force as a beginning point. The amendment proposed that the task force also look at ways to improve communications with the Legislature and the public and consider ways to help the congressional delegation explain Maine's needs on the federal level. The amendment also proposed that the task

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force hold at least 2 of its meetings outside Augusta to allow for public comment in different areas of the State and that the staffing and funding of the task force be provided by the Legislature.

**House Amendment "A" to Committee Amendment "A" (H-714)** proposed to direct the Maine Emergency Management Agency to staff and fund the task force, instead of the Legislature. The amendment also proposed to remove references to the congressional delegation.

### *Enacted law summary*

Resolve 2005, chapter 126 creates the Task Force to Study Maine's Homeland Security Needs, which is composed of 11 members, including 6 Legislators and 5 members of the public who are not directly involved in homeland security or emergency preparedness. The task force is directed to review needs and preparedness, using a report from the Governor's Homeland Security Task Force as a beginning point. The task force also must look at ways to improve communications with the Legislature and the public regarding homeland security issues. The task force must hold at least 2 of its meetings outside Augusta to allow for public comment in different areas of the State. The task force is staffed and funded by the Maine Emergency Management Agency and is required to submit an interim report of its findings and recommendations to the Legislature by January 17, 2006 and a final report by December 15, 2006.

Resolve 2005, chapter 126 was passed as an emergency measure effective June 23, 2005.

**LD 1659**

### **An Act To Amend the Laws Governing Crimes against People Who Are Homeless**

**PUBLIC 393**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUDLEY	OTP-AM MAJ	H-595
BRENNAN	OTP-AM MIN	H-640 DUDLEY S-354 BRENNAN

LD 1659 was an emergency bill that proposed to do the following:

1. Add "homelessness" to the factors that a court may take into consideration as factors leading to enhancement of sentences;
2. Require that the Board of Trustees of the Maine Criminal Justice Academy include in the basic and in-service law enforcement training programs training aimed specifically at reducing barriers to reporting crimes against people who are homeless and dealing with the unique challenges posed by cases that involve victims or witnesses who are homeless; and
3. Direct the Commissioner of the Department of Public Safety and the Attorney General to review the relationship between law enforcement agencies and people who are homeless, explore methods of improving that relationship and consider ways to facilitate the designation by law enforcement agencies of at least one officer per agency to serve as a liaison between the law enforcement agency and the homeless community served by that agency. The bill also proposed to direct the commissioner and the AG to report back the results of their review, the status of the relationship between law enforcement agencies and people who are homeless and the effectiveness of the law enforcement agency liaison officers in improving that relationship to the Judiciary Committee.