

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

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.

Joint Standing Committee on Criminal Justice and Public Safety

Committee Amendment "A" (H-595) was the majority report of the Joint Standing Committee on Criminal Justice and Public Safety and proposed to replace the bill. The amendment proposed to strike the provision in the bill that would have added "homelessness" to the factors that a court may take into consideration as factors leading to enhancement of sentences. The amendment proposed to make changes to the law enforcement training provisions in the bill by specifying that the Board of Trustees of the Maine Criminal Justice Academy shall add to the basic training program and shall include in its next available recertification training requirements a block of instruction aimed specifically at reducing barriers to reporting crimes committed against persons who are homeless and dealing with the unique challenges posed by cases that involve victims or witnesses who are homeless. The amendment also proposed to strike from the bill language that directed the Attorney General to facilitate the designation by each law enforcement agency of at least one officer to serve as a liaison between the agency and the homeless community served by the agency.

Committee Amendment "B" (H-596) was the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment proposed to strike sections 2 and 3 from the bill, which directed the Board of Trustees of the Maine Criminal Justice Academy to 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. The amendment also proposed to strike from the bill language that directed the Attorney General to facilitate the designation by each law enforcement agency of at least one officer to serve as a liaison between the agency and the homeless community served by the agency. This amendment was not adopted.

House Amendment "A" to Committee Amendment "A" (H-640) proposed to require the Office of the Attorney General to convene a working group to examine the advisability of implementing aggravating sentencing factors for crimes against people who are homeless.

Senate Amendment "A" (S-354) proposed to remove the emergency preamble and emergency clause from the bill.

Enacted law summary

Public Law 2005, chapter 393 makes changes to law enforcement training provisions by specifying that the Board of Trustees of the Maine Criminal Justice Academy shall add to the basic training program and shall include in its next available recertification training requirements a block of instruction aimed specifically at reducing barriers to reporting crimes committed against persons who are homeless and dealing with the unique challenges posed by cases that involve victims or witnesses who are homeless. Public Law 2005, chapter 393 directs the Commissioner 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. Public Law 2005, chapter 393 also requires the Office of the Attorney General to convene a working group to examine the advisability of implementing aggravating sentencing factors for crimes against people who are homeless.