

# 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*

*Second Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Criminal Justice and Public Safety*

*July 2006*

**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 and Legal Analysis Office of Fiscal and Program Review

### 122nd Maine Legislature Second Regular Session

#### Summary of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 arranged alphabetically by committee name 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. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located 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/billsumm.htm](http://www.state.me.us/legis/opla/billsumm.htm)).

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:

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
P&S XXX.....	Chapter # of enacted Private & Special Law
PASSED.....	Joint Order passed in both bodies
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED (Pocket Veto).....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

Please note that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is August 23, 2006.

*Joint Standing Committee on Criminal Justice and Public Safety*

LD 1709

**An Act To Provide for the Issuance of a Bench Warrant upon Failure To Appear for a Hearing on Nonpayment of a County Jail Reimbursement Fee**

**PUBLIC 502**

<u>Sponsor(s)</u> CROSTHWAITE RAYE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-792
--	-----------------------------------	------------------------------------

LD 1709 proposed that if a person’s default on payment of jail reimbursement fees is a violation of a condition of probation, that probation may be revoked, and that if a payment of the fee is not a condition of probation, the State may file a motion to enforce payment of the fee. LD 1709 also proposed to provide for the issuance of a bench warrant in the event that a defendant does not appear after notice of a hearing on a motion to enforce payment of a jail reimbursement fee. LD 1709 proposed to conform the language regarding collection of jail reimbursement fees to the language regarding actions to collect unpaid fines and unpaid restitution.

**Committee Amendment “A” (H-792)** proposed to insert “attorney for the county” where appropriate in the Maine Revised Statutes, Title 17-A, section 1341, subsections 5 and 6. This change proposed to authorize those counties that “outsource” legal work to use private counsel instead of the district attorney's office to handle the defaulted jail reimbursement fees. The amendment also proposed to delete ambiguous language regarding the procedure for reporting to the court. This proposed change would eliminate confusion regarding the action required of the courts if an attorney for the State or an attorney for the county reported a default but did not file a motion.

***Enacted law summary***

Public Law 2005, chapter 502 specifies that if a person’s default on payment of jail reimbursement fees is a violation of a condition of probation, that probation may be revoked. If a payment of the fee is not a condition of probation, the attorney for the county may file a motion to enforce payment of the fee. Public Law 2005, chapter 502 also provides for the issuance of a bench warrant in the event that a defendant does not appear after notice of a hearing on a motion to enforce payment of a jail reimbursement fee. Public Law 2005, chapter 502 eliminates ambiguity in the law and conforms the language regarding collection of jail reimbursement fees to the language regarding actions to collect unpaid fines and unpaid restitution.

**LD 1716**

**An Act To Require Presentence Investigations of All Persons Convicted of a Sex Offense**

**ONTP**

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

LD 1716 proposed to require that every person who is convicted of a sex offense under the Maine Revised Statutes, Title 17-A, chapter 11 or 12, undergo a presentence investigation conducted by the Department of Corrections prior to the court’s imposing a sentence.