

# MAINE STATE LEGISLATURE

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*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*

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# 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 1861**

**An Act To Improve the Ability of the Department of Corrections  
To Share Information Related to Clients in Order To Improve  
Treatment and Rehabilitative Services**

**PUBLIC 487  
EMERGENCY**

Sponsor(s)  
GROSE

Committee Report  
OTP-AM

Amendments Adopted  
H-751

LD 1861 proposed to allow the Department of Corrections to share with the Department of Health and Human Services information regarding juvenile clients who have been referred to Department of Corrections but for whom no petition has been filed. The purpose of authorizing the sharing of this information is to improve the overall delivery of services to clients and to assist in the placement of preadjudicated juveniles as an alternative to detention. Current law allows sharing of a juvenile’s information at this stage only with consent of a juvenile’s parent or guardian or without consent if only to a criminal justice agency for purposes of the administration of juvenile criminal justice.

LD 1861 also proposed to authorize the Department of Corrections to share confidential records of any Department of Corrections client, juvenile or adult, with any other state agency engaged in statistical analysis for the purpose of improving delivery of services to persons who may become clients of more than one agency. The bill proposed that the requesting agency must submit a plan to the Department of Corrections Commissioner, who must approve the plan and authorize disclosure. The bill also proposed that the receiving agency may not disclose or distribute the records in any way that would refer to a client by name or number or could otherwise lead to the client’s identification.

**Committee Amendment “A” (H-751)** proposed to add an emergency preamble and clause to the bill to more quickly facilitate the sharing of information between the Department of Corrections and the Department of Health and Human Services and other agencies.

***Enacted law summary***

Public Law 2005, chapter 487 allows the Department of Corrections to share with the Department of Health and Human Services information regarding juvenile clients who have been referred to the Department of Corrections but for whom no petition has been filed. The purpose of authorizing the sharing of this information is to improve the overall delivery of services to clients and to assist in the placement of preadjudicated juveniles as an alternative to detention. Without Public Law 2005, chapter 487 sharing of a juvenile’s information at this stage could happen only with consent of a juvenile’s parent or guardian or without consent if to a criminal justice agency only for purposes of the administration of juvenile criminal justice.

Public Law 2005, chapter 487 also authorizes the Department of Corrections to share confidential records of any client (juvenile or adult) with any other state agency engaged in statistical analysis for the purpose of improving delivery of services to persons who may become clients of more than one agency. The requesting agency must submit a plan to the Commissioner of Corrections, who must approve the plan and authorize the disclosure. The

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receiving agency may not disclose or distribute the records in any way that would refer to a client by name or number or could otherwise lead to the client's identification.

Public Law 2005, chapter 487 was enacted as an emergency measure effective March 13, 2006.

### LD 1868                      **An Act To Eliminate Administrative Preliminary Hearings for Probationers**                      **PUBLIC 661**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUMMER	OTP-AM	H-796 S-670 ROTUNDO

LD 1868 proposed to amend the Maine Criminal Code to eliminate the administrative preliminary hearings presently conducted by the Department of Corrections to determine probable cause for a probation violation and instead to require the courts to conduct probable cause hearings within 3 days after a probationer's arrest.

**Committee Amendment "A" (H-796)** proposed to require the court to hold probable cause hearings within 5 days after arrest instead of 3 days, as proposed by the bill. The amendment proposed to specify that evidence presented to establish probable cause may include affidavits and other reliable hearsay evidence as permitted by the court. The amendment also proposed to add an effective date of January 1, 2007.

**Senate Amendment "A" to Committee Amendment "A" (S-670)** proposed to add an appropriations and allocations section, which proposed to appropriate to the Judicial Department funds for court-appointed attorneys and deappropriate from the Department of Corrections savings resulting from reduced overtime of probation officers and savings resulting from a delay in ordering cars.

#### *Enacted law summary*

Public Law 2005, chapter 661 eliminates the administrative hearings presently conducted by the Department of Corrections to determine probable cause for a probation violation and instead requires probable cause hearings to be conducted by the courts within 5 days after arrest. Public Law 2005, chapter 661 also specifies that evidence presented to establish probable cause may include affidavits and other reliable hearsay evidence as permitted by the court. Public Law 2005, chapter 661 is effective January 1, 2007.

### LD 1879                      **An Act To Enhance Firefighter Safety**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE BRYANT B	ONTP	

LD 1879 proposed to require structures that use trusses in the floor or roof or parts of the floor or roof to display an emblem on the building signifying truss construction and the materials used in the truss construction. The bill proposed that the owner of the structure would be required to install and maintain the emblem. The bill proposed that 2 exceptions to this requirement would be: 1) detached 1-family and 2-family residential structures with truss construction built before the effective date of the bill that are not part of a planned real estate development