

# 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.

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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

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(however, municipalities may by local ordinance require that an emblem be affixed to these structures); and 2) individual structures and dwelling units with truss construction that are part of a planned real estate development, as long as an emblem is affixed at each entranceway to the development. LD 1879 proposed that a person who fails to comply with these requirements commits a Class E crime.

The bill also proposed to provide a voluntary statewide recommendation for uniform standards of identifying dangerous or vacant properties to further protect firefighters.

**LD 1884**

**An Act To Improve the Prisoner Telephone System**

**PUBLIC 506  
EMERGENCY**

<u>Sponsor(s)</u> BLANCHETTE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-793
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LD 1884 was an emergency bill introduced by the Department of Corrections that proposed to do the following:

1. Specify that a prisoner who has been ordered to pay restitution or fines may not participate in an industry program or any other program administered by the Department of Corrections or a sheriff by which a prisoner is able to generate money unless the prisoner consents to pay at least 25% of the prisoner's gross weekly wages or other money generated to the victim or the court until such time as full restitution has been made or the fine is paid in full;
2. Amend the payment of restitution provisions to specify that a prisoner's money that is subject to the 25% requirement applies to money "received" by the prisoner and not just to money that the prisoner "is able to generate" from any source. (i.e., a portion of gifts a prisoner receives may be applied to restitution and fines) The bill also proposed to exclude from this restitution and fine requirement any money received by the prisoner that is directly deposited into an account for the purpose of using the client telephone system. Any money that is left in the telephone account at the time of a prisoner's discharge or transfer would then be transferred into the department's general client account and that money is then subject to the 25% distribution for restitution and fines;
3. Amend the restitution and monetary sanctions to facilities provisions to be consistent with changes in the bill;
4. Amend the provisions governing clients' money to specify that money received by a client be deposited into "the department's general client account" instead of "the facility's clients' account" or in the department's telephone call account. The bill proposed that money deposited in either account is credited to the client receiving it, and that any money that is left in the telephone account at the time of a prisoner's discharge or transfer is then transferred into the department's general client account and that money is then subject to the 25% distribution for restitution and fines before distributed to the client;
5. Specify the reimbursement process of client funds to family members when a client is deceased;
6. Amend the reference to "clients' account" to "department's general client account" consistent with the other changes in the bill; and
7. Facilitate the use of prepaid minutes in the State's prisoner telephone system.