

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).

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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Committee Amendment “A” (H-793) proposed to make the provisions for deductions from a prisoner's account for the payment of court filing fees consistent with the changes proposed in the bill for deductions for the payment of fines and restitution.

Enacted law summary

Public Law 2005, chapter 506 specifies 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. Public Law 2005, chapter 506 also amends 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)

Public Law 2005, chapter 506 facilitates the use of prepaid minutes in the State's prisoner telephone system. Public Law 2005, chapter 506 also excludes from the 25% 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.

Public Law 2005, chapter 506 further amends 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. Money deposited in either account is credited to the client receiving it. 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. Finally, Public Law 2005, chapter 506 specifies the reimbursement process of client funds to family members when a client is deceased.

Public Law 2005, chapter 506 was enacted as an emergency measure effective March 24, 2006.

LD 1886

**An Act To Amend the Laws Pertaining to the Department of
Corrections**

**PUBLIC 488
EMERGENCY**

Sponsor(s)
BLANCHETTE
MAYO

Committee Report
OTP-AM

Amendments Adopted
H-754

LD 1886 was introduced by the Department of Corrections and proposed to make the following changes to the laws governing that department:

1. Clarify the appeals process with respect to juvenile detention orders by specifying that an order may include discovery of new and significant information, which is consistent with the Bail Code;
2. Add a requirement that, upon the request of a victim, the victim be notified when a prisoner is released to supervised release for sex offenders, a sentencing alternative in the Maine Revised Statutes, Title 17-A, section 1231 enacted by Public Law 1999, chapter 788, section 7;

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3. Change terminology to reflect the terminology used in the Sex Offender Registration and Notification Act of 1999, Title 34-A, chapter 15;
4. Eliminate the requirement that the Commissioner of the Department of Corrections notify the court of the initial place of confinement of a person committed to the Department of Corrections, since the commissioner notifies the sheriff now and the courts receive the same information from sheriffs;
5. Add correctional supervisors to those who may carry a concealed firearm with the permission of their employer;
6. Repeal the provision that requires the Commissioner of Corrections to promulgate rules for community services agreements;
7. Correct an error in terminology in the provision governing boards of visitors;
8. Change the title of the chief administrative officer of the Mountain View Youth Development Center from director to superintendent to make it identical to the title for the chief administrative officer of the Long Creek Youth Development Center;
9. Substitute the term “juvenile community corrections officers” for “juvenile caseworkers” in several provisions; and
10. Add references to “supervised release for sex offenders” to a provision regarding probation and parole officers and intensive supervision program officers.

Committee Amendment “A” (H-754) proposed to create an exception to a law that requires the elimination of all commissary-type facilities operated by state departments for the sale of food and food supplies to any person. This amendment proposed to allow the Department of Corrections to lawfully continue its long-time practice of operating a commissary for the sale of food to clients and employees in corrections facilities and to clarify that the chief administrative officer of a correctional or detention facility may, subject to the approval of the commissioner, purchase meals for or otherwise provide meals without charge to any facility employee who eats such meals within the scope of employment.

To remedy the department's unintended violation more quickly, this amendment also proposed to make the bill an emergency.

Enacted law summary

Public Law 2005, chapter 488 makes the following changes to the laws governing the Department of Corrections.

It clarifies the appeals process with respect to juvenile detention orders by specifying that an order may include discovery of new and significant information, which is consistent with the Bail Code.

It adds a requirement that, upon the request of a victim, the victim be notified when a prisoner is released to supervised release for sex offenders, a sentencing alternative in the Maine Revised Statutes, Title 17-A, section 1231 enacted by Public Law 1999, chapter 788, section 7.

It changes terminology to reflect the terminology used in the Sex Offender Registration and Notification Act of 1999, Title 34-A, chapter 15.

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It eliminates the requirement that the Commissioner of Corrections notify the court of the initial place of confinement of a person committed to the Department of Corrections, since the commissioner notifies the sheriff now and the courts receive the same information from sheriffs.

It adds correctional supervisors to those who may carry a concealed firearm with the permission of their employer.

It repeals the provision that requires the Commissioner of Corrections to promulgate rules for community services agreements.

It corrects an error in terminology in the provision governing boards of visitors.

It changes the title of the chief administrative officer of the Mountain View Youth Development Center from director to superintendent to make it identical to the title for the chief administrative officer of the Long Creek Youth Development Center.

It substitutes the term “juvenile community corrections officers” for “juvenile caseworkers” in several provisions.

It adds references to “supervised release for sex offenders” to a provision regarding probation and parole officers and intensive supervision program officers.

It creates an exception to a law that requires the elimination of all commissary-type facilities operated by state departments for the sale of food and food supplies to any person. Public Law 2005, chapter 488 allows the Department of Corrections to lawfully continue its long-time practice of operating a commissary for the sale of food to clients and employees in corrections facilities and clarifies that the chief administrative officer of a correctional or detention facility may, subject to the approval of the commissioner, purchase meals for or otherwise provide meals without charge to any facility employee who eats such meals within the scope of the employee’s employment.

Public Law 2005, chapter 488 was enacted as an emergency measure effective March 13, 2006.

LD 1906

An Act To Safeguard Maine's Highways

PUBLIC 606

<u>Sponsor(s)</u> CURLEY DIAMOND	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1041
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LD 1906 proposed to provide stricter penalties for operating after license suspension or OAS. Specifically, the bill proposed to do the following:

1. Establish a graduated penalty scale for license suspensions, not related to the offense of operating under the influence, that occur within a 3-year period, beginning with a license suspension of one year and a \$1,000 fine for 3 suspensions within a 3-year period and increasing to a license suspension of 10 years and a \$5,000 fine for 7 or more license suspensions within a 3-year period;