

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE
AND PUBLIC SAFETY**

July 2007

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STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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 (or Accepted ONTP report).....	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.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

Please note that the effective date for non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Criminal Justice and Public Safety

LD 46 An Act To Create Mandatory Minimum Sentences for Persons Convicted of Certain Sex Offenses against Victims under 12 Years of Age

**ACCEPTED
REPORT A
(ONTP)**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA DIAMOND	ONTP A OTP-AM B OTP-AM C	

This bill changes the sentence for gross sexual assault against a victim who is under 12 years of age to a period of imprisonment of 25 years, none of which may be suspended. If the defendant had previously been convicted and sentenced for committing gross sexual assault, rape or gross sexual misconduct against a person who is under 12 years of age, the court must impose a sentence of life imprisonment, none of which may be suspended.

Committee Amendment "A" (H-542)

This amendment is one of 2 minority reports of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment makes technical changes to conform to drafting standards. This amendment was not adopted.

Committee Amendment "B" (H-543)

This amendment is one of 2 minority reports of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment strikes the provision in the bill that changes the sentence for gross sexual assault against a victim who is under 12 years of age to a period of imprisonment of 25 years. Instead, the amendment specifies that if the State pleads and proves that a gross sexual assault was committed against a person who had not yet attained 12 years of age and that the defendant had previously been convicted and sentenced for committing gross sexual assault, formerly denominated as gross sexual misconduct, or rape, or conduct substantially similar to one of these crimes in another jurisdiction against a person who had not yet attained 12 years of age, the court shall impose a term of imprisonment for any term of years that is not less than 25. This amendment was not adopted.

LD 66 An Act To Prohibit the Transfer of Salvia Divinorum to Minors and To Prohibit Possession of Salvia Divinorum by Minors

PUBLIC 120

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARSTOW COURTNEY	OTP-AM A OTP-AM B ONTP C	H-117

This bill adds salvia divinorum to the list of Schedule Z drugs, which currently includes marijuana; all prescription drugs that are not scheduled as W, X or Y; all nonprescription drugs that are not scheduled as W, X or Y and designated by the Board of Commissioners of the Profession of Pharmacy; butyl nitrite or isobutyl nitrite; and methamphetamine precursor drugs. LD 66 would make possession of salvia divinorum a Class E crime. Trafficking of salvia divinorum would be a Class D crime, and possession of more than a pound of salvia divinorum would give rise to a permissible inference that the person is unlawfully trafficking the drug.

Committee Amendment "A" (H-117)

This amendment replaces the bill and is the majority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment prohibits the transfer of salvia divinorum to or the possession of the

Joint Standing Committee on Criminal Justice and Public Safety

same by persons who are under 18 years of age. The penalties for the prohibited conduct described in the amendment are modeled on the penalties in the Maine Revised Statutes, Title 22, chapter 262-A, subchapter 2, which deals with the prohibition of sales of tobacco to and possession of tobacco by minors.

Committee Amendment "B" (H-118)

This amendment is one of 2 minority reports of the Joint Standing Committee on Criminal Justice and Public Safety. The majority report is also "ought to pass as amended" and the second minority report is "ought not to pass." This amendment clarifies the definition of "salvia divinorum." This amendment was not adopted.

Enacted Law Summary

Public Law 2007, chapter 120 prohibits the transfer of salvia divinorum to or the possession of the same by persons who are under 18 years of age. The penalties for the prohibited conduct described in the amendment are modeled on the penalties in the Maine Revised Statutes, Title 22, chapter 262-A, subchapter 2, which deals with the prohibition of sales of tobacco to and possession of tobacco by minors.

LD 67 An Act To Reduce the Cost of the Operation of County Jails

**ACCEPTED ONTP
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT MCCORMICK	ONTP MAJ OTP-AM MIN	

This bill provides that for a Class A, Class B, Class C or Class D crime the court must specify a county jail as the place of imprisonment if the term of imprisonment is less than 6 months and must commit the person to the Department of Corrections if the term of imprisonment is 6 months or more. In the case of a split sentence, it provides that for a Class D crime, the court must specify a county jail as the place of imprisonment for a sentence of less than 6 months and must commit the person to the Department of Corrections for a sentence of 6 months or more. Also in the case of a split sentence, for a Class A, Class B or Class C crime the court must specify a county jail as the place of imprisonment for any portion of the sentence that is less than 6 months and commit the person to the Department of Corrections for any portion of the sentence that is 6 months or more.

Committee Amendment "A" (H-546)

This amendment is the minority report. This amendment adds an appropriations and allocations section. This amendment was not adopted.

LD 68 An Act To Provide a Reward for Information Regarding the Murder of a Law Enforcement Officer

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARLOW		H-123

This bill provides that when there is reasonable cause to believe that a law enforcement officer has been murdered, the Governor shall, upon application in writing by the Attorney General or the district attorney in the county where the alleged crime was committed, offer a reward of \$25,000 for evidence that leads directly to a conviction for that murder. Upon proof that the terms of the reward offer have been complied with, the Governor shall direct the Treasurer to make payment of the reward.

Committee Amendment "A" (H-123)

This amendment replaces the bill. The amendment retains the \$25,000 reward for information that leads