

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
123<sup>RD</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

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

July 2007

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# STATE OF MAINE

123<sup>RD</sup> 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 123<sup>rd</sup> 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 192      Resolve, Directing the Department of Public Safety To Make a Map Available on the Sex Offender Registry** **ONTP**

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

This resolve directs the Department of Public Safety, Bureau of State Police, State Bureau of Identification to make available on the publicly accessible sex offender registry online search service a map that displays where sex offenders reside in order for a member of the public to determine the proximity of a sex offender's residence to the member of the public's residence.

**LD 193      An Act To Restrict Access to Certain Websites by Sex Offenders** **ONTP**

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

This bill makes ongoing General Fund appropriations of \$100,000 per year for the Department of Public Safety, Maine State Police Crime Laboratory, Computer Crimes Unit. The bill also creates a new crime that prohibits a person who is required to register under the Sex Offender Registration and Notification Act from accessing websites that are likely to be frequented by minors.

**LD 195      An Act To Promote the Safety of Children** **ONTP**

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

This bill requires that a local law enforcement agency notify a licensed child care facility within a municipality that a sex offender who is conditionally released or discharged may be domiciled, reside, work or go to college or school in that municipality.

**LD 219      An Act To Use Forfeited Bail Money for the Victims of an Offender** **PUBLIC 31**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANLEY S MCCORMICK	OTP-AM	H-19

Each prosecutorial district has an Extradition Account in an amount not to exceed \$20,000 that is used solely for the purpose of paying the expenses of extraditing persons charged with or convicted of a crime in this State and who are fugitives from justice. The Extradition Account in each prosecutorial district is funded by bail forfeited to and recovered by the State pursuant to the Maine Rules of Criminal Procedure, Rule 46. Whenever bail is forfeited and recovered by the State, the district attorney shall determine whether it or a portion of it is deposited in the Extradition Account for that district attorney's prosecutorial district. Any bail forfeited and recovered and not deposited in the Extradition Account must be deposited in the General Fund. Any unexpended balance in the Extradition Account of a prosecutorial district established by this section may not lapse but must be carried forward

## *Joint Standing Committee on Criminal Justice and Public Safety*

into the next year.

This bill requires that district attorneys determine if, in the case where there are proceeds from a forfeited bail of an offender, that offender owes outstanding restitution. If the offender is in default of a restitution obligation, the forfeited bail must be used to satisfy the restitution obligation. Any remaining forfeited bail must be placed in the Extradition Account.

### **Committee Amendment "A" (H-19)**

This amendment clarifies that proceeds from forfeited bail of an offender who is in default of a restitution obligation may be used to satisfy the obligation only in the proceeding brought under that default proceeding. When an offender who has been sentenced to pay restitution fails to pay the restitution, the offender may be required to appear in court pursuant to the Maine Revised Statutes, Title 17-A, section 1329. As part of that proceeding, the court may issue a bench warrant and require the offender to post bail. If the offender fails to appear in the restitution proceeding, the court may forfeit the bail. Under current law, forfeited bail may be transferred only to the District Attorney's Extradition Account under Title 15, section 224-A and is not available to satisfy the restitution order. The amendment requires that proceeds of a bail forfeiture in the restitution default proceeding instead be used first to satisfy the restitution order, with any remaining forfeited bail transferred to the Extradition Account.

### **Enacted Law Summary**

Public Law 2007, chapter 31 requires that district attorneys determine if, in the case where there are proceeds from a forfeited bail of an offender, that offender owes outstanding restitution. Proceeds from forfeited bail of an offender who is in default of a restitution obligation may be used to satisfy the obligation only in the proceeding brought under that default proceeding. When an offender who has been sentenced to pay restitution fails to pay the restitution, the offender may be required to appear in court pursuant to the Maine Revised Statutes, Title 17-A, section 1329. As part of that proceeding, the court may issue a bench warrant and require the offender to post bail. If the offender fails to appear in the restitution proceeding, the court may forfeit the bail. Under current law, forfeited bail may be transferred only to the District Attorney's Extradition Account under Title 15, section 224-A and is not available to satisfy the restitution order. Public Law 2007, chapter 31 requires that proceeds of a bail forfeiture in the restitution default proceeding instead be used first to satisfy the restitution order, with any remaining forfeited bail transferred to the Extradition Account.

### **LD 220 An Act To Clarify and Expand Maine Criminal Laws Related to Sexual Assault**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFISKY SHERMAN		H-93

The bill clarifies and expands criminal laws relating to sexual assault in which the victim of the crime is a student at a private or public elementary, secondary or special education school, facility or institution and the perpetrator of the crime either is, or will be, a teacher, employee or other official where the victim is enrolled or is a law enforcement officer where the student resides or is enrolled.

### **Committee Amendment "A" (H-93)**

This amendment replaces the bill. The amendment clarifies that for purposes of sexual assault in which the victim of the crime is a student at a private or public elementary, secondary or special education school, facility or institution, the law recognizes that a teacher or other school employee's instructional, supervisory or disciplinary authority over the student does not disappear during school vacations and summer recess. The teacher or other school employee may not raise as a defense to prosecution that the conduct occurred during a school vacation or summer recess if the teacher or other school employee maintained that status immediately prior to the vacation or recess. The amendment also specifies that the same standards be applied to law enforcement officers who are