

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
123<sup>RD</sup> LEGISLATURE  
SECOND REGULAR AND FIRST SPECIAL SESSIONS



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

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

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**STATE OF MAINE**  
123<sup>RD</sup> LEGISLATURE  
SECOND REGULAR & FIRST SPECIAL SESSIONS



**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 Second Regular or First Special Sessions of the 123<sup>rd</sup> Maine Legislature.

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:

<i>CON RES XXX</i> .....	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i> .....	<i>House &amp; Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i> .....	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i> .....	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i> .....	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i> .....	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i> .....	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i> .....	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PUBLIC XXX</i> .....	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i> .....	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i> .....	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session (R2) is June 30, 2008. The effective date for non-emergency legislation enacted in the First Special Session (S1) is July 18, 2008.<sup>1</sup> The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills. Any bill summarized in this document having an LD number less than 1932 was a bill carried over from the First Regular Session of the 123<sup>rd</sup> Legislature.

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<sup>1</sup> The session in which each law was enacted or finally passed (R2 or S1) is included in Appendix C.

# Joint Standing Committee on Criminal Justice and Public Safety

## Committee Amendment "A" (S-251)

This amendment clarifies that the definition of "furnish" is the same as that currently in the Maine Criminal Code.

LD 372 was carried over by joint order, H.P. 1369 after being removed from the Special Appropriations Table and recommitted to the Committee on Criminal Justice and Public Safety.

## Committee Amendment "B" (S-398)

This amendment clarifies that the definition of "furnish" is the same as that currently in the Maine Criminal Code.

## Enacted Law Summary

Public Law 2007, chapter 474 improves the ability to prosecute certain gross sexual assaults by amending the crime of gross sexual assault to add the element of furnishing drugs or intoxicants to a victim in order to substantially impair the victim's power to appraise or control the victim's sexual acts. Currently, a prosecutor must meet a higher standard by proving that the actor employed or administered the drugs or intoxicants to the victim. Public Law 2007, chapter 474 also specifies that an actor cannot raise as a defense to gross sexual assault that the victim voluntarily consumed or allowed the administration of the drugs or intoxicants if the victim was 14 or 15 years of age.

## LD 423 An Act To Ensure the Safety of the Public and of Victims of Sexual Assault

ONTP

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

This bill is an emergency bill that requires the court to issue a standing criminal restraining order that applies to persons convicted of sex offenses under the Maine Revised Statutes, Title 17-A, chapters 11 and 12. The standing criminal restraining order takes effect when the defendant is released from confinement or at the time of sentencing if no confinement is ordered and continues until modified or revoked by the court for good cause shown. The order must include, but is not limited to, enjoining the defendant from residing within 10 miles of the victim's residence, within 10 miles of where the offense occurred and within 1,000 feet of a school, day care or playground if there are fewer than 30,000 residents in that community. Violation of the order is a Class D crime.

LD 423 was carried over by joint order, H.P. 1369.

## LD 424 An Act To Protect Children from Dangerous Drugs, Harmful Chemicals and Drug-related Violence

ONTP

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

This bill includes in the offense of "aggravated trafficking of scheduled drugs," (17-A §1105-A), trafficking in the presence of a child under 18 years. Current law aggravates the offense for trafficking with a person under 18. This bill also includes in the offense of "aggravated trafficking of scheduled drugs" the offense of trafficking at a residence at which a child of under 18 years of age resides and the basis for the offense is the manufacture or attempt to manufacture methamphetamine, 3, 4 - methylenedioxymethamphetamine (MDMA), 3, 4 - methylenedioxy amphetamine (MDA), lysergic acid diethylamide (LSD) or fentanyl. Instead of a minimum mandatory sentence of 4

# Joint Standing Committee on Criminal Justice and Public Safety

years for an aggravated trafficking offense that the current law provides, a person convicted under this new provision of manufacturing at a residence with children would be subject to a minimum 10 years of imprisonment.

## Committee Amendment "A" (H-124)

This amendment establishes as an aggravating factor in the offense of "trafficking or attempting to traffick in a scheduled drug" manufacturing or an attempt to manufacture methamphetamine, 3, 4 - methylenedioxyamphetamine, 3, 4 - methylenedioxy amphetamine, lysergic acid diethylamide or fentanyl. This makes this offense a Class A crime, which is subject to the current minimum mandatory sentencing alternative of 4 years imprisonment for certain Class A drug offenses. Making the manufacturing of these drugs a Class A crime replaces the provision in the bill that would have made trafficking or attempting to traffick in a schedule W drug at a residence at which a child less than 18 years of age resides and the basis of the offense is manufacturing or an attempt to manufacture a Class A crime subject to a mandatory minimum sentence of 10 years imprisonment.

## LD 446 An Act To Improve the Use of Information Regarding Sex Offenders to Better Ensure Public Safety and Awareness

HELD BY  
GOVERNOR

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM MAJ OTP-AM MIN	S-594 S-669 ROTUNDO

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes that the Joint Standing Committee on Criminal Justice do the following:

1. Review compliance and enforcement of sex offender registration laws and identify resources and methods to ensure that all persons required to register do register, verify and update their information as directed;
2. Using other states models for tiered risk assessment and other examples of sex offender classification to learn from, create and adopt a system of classification based on risk to be applied to each person required to register under the Sex Offender Registration and Notification Act of 1999 in order to classify sex offenders based on their risk of reoffending and the degree of likelihood that they pose a danger to the community;
3. Create and adopt processes to apply the risk assessment and evaluate its use so that due process concerns are met and each risk assessment analysis provides useful information to those in the criminal justice system and others who receive that information;
4. Educate and support law enforcement so that they can use the sex offender risk assessment information to best inform the public and better ensure public safety; and
5. Review the current list of registerable sex offenses and determine if changes to the current Maine sex offender registry and to the Maine sex offender registry website should be made.

LD 446 was carried over by joint order, H.P. 1369.

## Committee Amendment "A" (S-594)

This amendment replaces the bill and is the majority report of the Joint Standing Committee on Criminal Justice and Public Safety.

Part A of the amendment makes the following changes to the Maine Criminal Code.