

# 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 518 An Act To Protect Children in Public Schools by Notifying All School Personnel of Sex Offenders Residing, Working or Attending School in the School District**

ONTP

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

This bill expands notification requirements to schools and families regarding persons convicted of sex offenses. The bill requires that a law enforcement agency notify the superintendent of a school in a school district where a registered offender is residing, working or attending school. Upon receipt of that information, notwithstanding any confidentiality laws, the superintendent shall provide that information to all teachers and other school personnel. The bill also requires that a superintendent provide notice of any adjudication for a juvenile crime that if committed by an adult would be gross sexual assault to all parents and guardians of students enrolled in the same school as the adjudicated juvenile.

## **LD 521 An Act To Amend the Laws Relating to Juveniles**

PUBLIC 96

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANLEY S MCCORMICK	OTP-AM	H-73

This bill amends the laws relating to juveniles as follows.

1. Sections 1 and 4 substitute the term "confinement" for "detention" in several provisions that were inadvertently overlooked in legislation passed in the last legislative session, which clarified that the term "detention" should be used only when a juvenile is being held pending court proceedings.
2. Section 2 provides that when a juvenile detainee or juvenile held in nonsecure custody is being transported or is held in a court holding area, there must be the same sight and sound separation from adults as when the juvenile is in a county jail. This ensures compliance with the Office of Juvenile Justice and Delinquency Prevention Act.
3. Section 3 repeals the provision establishing community resolution teams as a means of informal adjustment of juvenile offenses. The repeal of this would not preclude alternative strategies to be used by law enforcement at the local level.
4. Section 5 clarifies the provision referring to the dispositional alternative of up to 30 days' confinement in a juvenile facility. The repealed language refers to the dispositional alternative of long term indeterminate commitment, which is different than short term confinement.
5. Section 6 corrects the cross-references to adult probation revocation provisions in light of the changes made to those provisions in the last legislative session.
6. Section 7 addresses the issue of a juvenile who receives a suspended order of commitment to a juvenile facility and commits a probation violation shortly before the end of the commitment period by requiring that a court revoking probation ensure that the juvenile receives a commitment of at least one year.
7. Section 8 expands the crime of criminal restraint by parent to cover a parent who removes a child under 18 years of age from state custody.

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

## **Committee Amendment "A" (H-73)**

This amendment strikes section 7 from the bill, which raised constitutional issues, as it would have required that a juvenile who receives a suspended order of commitment to a juvenile facility and commits a probation violation shortly before the end of the commitment period be required to receive a commitment of at least one year. The amendment also amends section 8 of the bill by redrafting the crime of criminal restraint by a parent to add a new Class D form of the crime that addresses criminal restraint by a noncustodial parent of a child either 16 or 17 years of age whose lawful custodian is the Department of Corrections or the Department of Health and Human Services. The amendment also makes additional technical drafting changes to the Maine Revised Statutes, Title 17-A, section 303.

## **Enacted Law Summary**

Public Law 2007, chapter 96 makes the following changes to the juvenile laws.

The term "confinement" is substituted for "detention" in several provisions that were inadvertently overlooked in legislation passed in the last legislative session, which clarified that the term "detention" should be used only when a juvenile is being held pending court proceedings.

The law provides that when a juvenile detainee or juvenile held in nonsecure custody is being transported or is held in a court holding area, there must be the same sight and sound separation from adults as when the juvenile is in a county jail. This ensures compliance with the Office of Juvenile Justice and Delinquency Prevention Act.

Public Law 2007, chapter 96 repeals the provision establishing community resolution teams as a means of informal adjustment of juvenile offenses. The repeal of this would not preclude alternative strategies to be used by law enforcement at the local level.

It also clarifies the provision referring to the dispositional alternative of up to 30 days' confinement in a juvenile facility. The repealed language refers to the dispositional alternative of long term indeterminate commitment, which is different than short term confinement.

Public Law 2007, chapter 96 corrects the cross-references to adult probation revocation provisions in light of the changes made to those provisions in the last legislative session.

It expands the crime of criminal restraint by parent to add a new Class D form of the crime that addresses criminal restraint by a noncustodial parent of a child either 16 or 17 years of age whose lawful custodian is the Department of Corrections or the Department of Health and Human Services.

## **LD 577      An Act Concerning the Transport of Inmates in the Custody of the Sheriff**

**ONTP**

Sponsor(s)  
PLUMMER

Committee Report  
ONTP

Amendments Adopted

This bill clarifies that a county sheriff's custody and charge of prisoners includes the authority to transport a prisoner to and from a court if that prisoner's presence is required in the court.