

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

This resolve requires the Director of the Maine Emergency Management Agency within the Department of Defense, Veterans and Emergency Management to develop a plan to implement statewide and regional preparedness drills for any statewide or regional emergency, including, but not limited to, nuclear attack.

**LD 1201 An Act To Amend the Forfeiture and Property Seizure Laws BY
REQUEST**

ONTP

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

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

This bill proposes to expand the crimes for which drug-related forfeitures and seizures of assets may be performed.

LD 1206 An Act To Amend the Motor Vehicle Laws Concerning Work Licenses

ONTP

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

Current law requires that a person seeking a special restricted license for employment purposes needs to file an application that: includes a signed, notarized statement from the applicant or applicant's parent or guardian; is necessary for transportation to and from or in connection with work; and includes verification of employment from employer. This bill transfers the application process and restrictions for a special restricted license based upon employment need from the motor vehicle laws to the discretion of the Secretary of State. The bill directs the Secretary of State to adopt major substantive rules to establish the application process and restrictions for a special restricted license for employment.

**LD 1228 An Act To Create a Certificate of Need Process for the Construction of
Correctional Facilities**

ONTP

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

This bill requires that a county apply for a certificate of need from the Department of Corrections before the county may construct or expand a correctional facility. The bill lists the criteria that the Department of Corrections must consider before issuing a certificate of need.

LD 1229 An Act To Prohibit Sex Offenders from Areas around Schools

ONTP

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

Joint Standing Committee on Criminal Justice and Public Safety

This bill makes it a Class D crime for a person who is required to register under the Sex Offender Registration and Notification Act of 1999 to be present within 250 yards of a public or private elementary or secondary school or preschool facility.

See LD 1491, "An Act to Prohibit the Unauthorized Contact of Persons Convicted of Sex Offenses against Persons under 14 Years of Age with Persons 14 Years of Age."

**LD 1240 An Act To Implement the Recommendations of the Criminal Law
Advisory Commission**

CARRIED OVER

Sponsor(s)

Committee Report

Amendments Adopted

H-479

This bill is proposed by the Criminal Law Advisory Commission and does the following.

Section 1 of the bill repeals Title 14, section 3141, subsection 2 because experience has demonstrated that mandatory notice at the time of the defendant's initial appearance is ineffective in securing fine payment in full at the time of sentence imposition. Section 2 of the bill adds a requirement in section 3141, subsection 4 that the order issued by the court include a clear directive to the defendant that the defendant has a legal duty to move the court for a modification of time or method of payment of the fine to avoid a default.

Section 3 of the bill enacts the Maine Revised Statutes, Title 15, section 103-A, subsection 1, which directs that in the event a person who is found not criminally responsible by reason of insanity or is the recipient of a negotiated insanity plea as to a Maine crime is subject to an undischarged straight term of imprisonment or an unsuspended portion of a split sentence for a different Maine crime, the person must serve the undischarged term of imprisonment or the unsuspended portion of the split sentence before commencing the commitment to the Commissioner of Health and Human Services ordered by the court pursuant to section 103. Once having fully served the term of imprisonment or unsuspended portion of a split sentence, the person must commence the commitment ordered notwithstanding being on conditional release.

Title 15, section 103-A, sub-section 2 also directs that in the event a person who has entered into the custody of the Commissioner of Health and Human Services pursuant to a commitment order either violates a condition of release and new institutional confinement is ordered or commits a Maine crime for which the person is subsequently convicted and the sentence imposed includes a straight term of imprisonment or a split sentence, the person must be placed in execution of that punishment and custody pursuant to the commitment order is automatically interrupted. In the event execution of that punishment is stayed pending appeal, the commitment will be automatically interrupted once that stay terminates and the person is placed in execution of the punishment. The commitment will be resumed when the new institutional confinement ordered or the straight term of imprisonment or the unsuspended portion of the split sentence imposed has been fully served. Title 15, section 103-A, subsection 3 directs that, while a person is imprisoned in execution of the punishment described in section 103-A, the county jail or state facility in which the person is incarcerated must provide the necessary mental health treatment required under law, including, when appropriate, seeking involuntary psychiatric hospitalization.

Section 4 of the bill conditions the present duty of prosecutors to inform law enforcement officers of the details of certain plea agreements reached before submitting that plea to the court on such notice being practicable. The bill adds Title 17-A, chapter 12 crimes (sexual exploitation of minors) to those triggering notice to law enforcement officers and, with respect to victim notification, it removes an incorrect reference to Title 17-A, section 1173 and replaces it with reference to Title 17-A, section 1172, subsection 1, paragraphs A and B (details of plea agreement shared before presented to court and notification of right to comment once plea agreement is submitted).

Section 5 of the bill adds the Class A crimes of aggravated attempted murder and elevated aggravated assault on a