

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 1490 An Act To Reduce the Amount of Good Time That May Be Awarded to Certain Offenders

ONTP

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

This bill limits the number of days a person convicted of a Class A crime may have deducted from the person's sentence for good behavior to 5 days a month and prohibits the deduction of any days from a sentence of imprisonment for good behavior for a person who is convicted of more than one offense for which registration under the Sex Offender Registration and Notification Act of 1999 is required.

LD 1491 An Act To Prohibit Unauthorized Contact of Persons Convicted of Sex Offenses against Persons under 14 Years of Age with Persons under 14 Years of Age

PUBLIC 393

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM	S-256

This bill creates a new Class D crime of loitering in a child safe zone. A person who has been previously convicted of committing a crime under the Maine Revised Statutes, Title 17-A, chapter 11 or chapter 12 against a person who has not attained 14 years of age or a person who has been convicted in another jurisdiction for committing conduct substantially similar to that contained in chapter 11 or chapter 12 may not enter, work in, loiter at or remain in a child safe zone. "Child safe zone" means on or within 200 feet of the real property comprising a public or private elementary or secondary school; the real property comprising a child care center, a child care facility, a day care operated by a family child care provider, a nursery school or a small child care facility; or an athletic field, park, playground or recreational facility or other place where children typically gather.

A person who has been previously convicted of committing a crime under Title 17-A, chapter 11 or chapter 12 against a person who has not attained 14 years of age or a person who has been convicted in another jurisdiction for committing conduct substantially similar to that contained in chapter 11 or chapter 12 may enter a child safe zone only in specific limited circumstances.

The bill also requires the court to attach as a condition of probation for a person convicted of a chapter 11 or chapter 12 offense whom the Department of Corrections has identified as a high-risk offender that the person be monitored by the best available monitoring technology for the duration of the probation.

Committee Amendment "A" (S-256)

This amendment changes the title and replaces the bill. The amendment creates a new Class E crime of prohibited contact with a minor. A person is guilty of prohibited contact with a minor if that person has previously been convicted of an offense under the Maine Revised Statutes, Title 17-A, chapter 11 or 12 against another person who had not in fact attained 14 years of age or has previously been convicted in another jurisdiction for conduct substantially similar to that contained in those chapters against another person who had not in fact attained 14 years of age and if that person has a duty to register as a 10-year or lifetime registrant under Title 34-A, chapter 15, subchapters 1 and 2 and that person intentionally or knowingly has direct or indirect contact with another person who has not in fact attained 14 years of age.

The amendment also creates a new Class D crime of prohibited contact with a minor in a sex offender restricted zone if a person has previously been convicted of an offense under Title 17-A, chapter 11 or 12 against another person who had not in fact attained 14 years of age or has previously been convicted in another jurisdiction for

Joint Standing Committee on Criminal Justice and Public Safety

conduct substantially similar to that contained in those chapters against another person who had not in fact attained 14 years of age and if that person has a duty to register as a 10-year or lifetime registrant under Title 34-A, chapter 15 and that person intentionally or knowingly has any direct or indirect contact in a sex offender restricted zone with another person who has not in fact attained 14 years of age. For purposes of this new crime, "sex offender restricted zone" means the real property comprising a public or private elementary or middle school; the real property comprising a child care center, a child care facility, a day care operated by a family child care provider, a nursery school or a small child care facility as defined under Title 22, section 8301-A; or an athletic field, park, playground, recreational facility, children's camp or other place where children are the primary users.

Because an element of both of these new crimes includes that the person has a duty to register under Title 34-A, chapter 15, subchapter 1 and 2, once a person no longer has a duty to register, a person cannot be guilty of these new crimes of prohibited contact with a minor or prohibited contact with a minor in a sex offender restricted zone. It is an affirmative defense to prosecution that the parent, foster parent, guardian or other similar person responsible for the person who had not in fact attained 14 years of age knowingly granted the defendant permission to initiate, have or continue direct or indirect contact. It is also an affirmative defense to prosecution that the contact was incidental to and directly related to employment.

Enacted Law Summary

Public Law 2007, chapter 393 creates a new Class E crime of prohibited contact with a minor. A person is guilty of prohibited contact with a minor if that person has previously been convicted of an offense under the Maine Revised Statutes, Title 17-A, chapter 11 or 12 against another person who had not in fact attained 14 years of age or has previously been convicted in another jurisdiction for conduct substantially similar to that contained in those chapters against another person who had not in fact attained 14 years of age and if that person has a duty to register as a 10-year or lifetime registrant under Title 34-A, chapter 15, subchapters 1 and 2 and that person intentionally or knowingly has direct or indirect contact with another person who has not in fact attained 14 years of age.

Public Law 2007, chapter 393 also creates a new Class D crime of prohibited contact with a minor in a sex offender restricted zone if a person has previously been convicted of an offense under Title 17-A, chapter 11 or 12 against another person who had not in fact attained 14 years of age or has previously been convicted in another jurisdiction for conduct substantially similar to that contained in those chapters against another person who had not in fact attained 14 years of age and if that person has a duty to register as a 10-year or lifetime registrant under Title 34-A, chapter 15 and that person intentionally or knowingly has any direct or indirect contact in a sex offender restricted zone with another person who has not in fact attained 14 years of age. For purposes of this new crime, "sex offender restricted zone" means the real property comprising a public or private elementary or middle school; the real property comprising a child care center, a child care facility, a day care operated by a family child care provider, a nursery school or a small child care facility as defined under Title 22, section 8301-A; or an athletic field, park, playground, recreational facility, children's camp or other place where children are the primary users.

Because an element of both of these new crimes includes that the person has a duty to register under Title 34-A, chapter 15, subchapter 1 and 2, once a person no longer has a duty to register, a person cannot be guilty of these new crimes of prohibited contact with a minor or prohibited contact with a minor in a sex offender restricted zone. It is an affirmative defense to prosecution that the parent, foster parent, guardian or other similar person responsible for the person who had not in fact attained 14 years of age knowingly granted the defendant permission to initiate, have or continue direct or indirect contact. It is also an affirmative defense to prosecution that the contact was incidental to and directly related to employment.