

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**

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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 1612 An Act To Reduce the Incidence of Incarceration for People with Mental Illness

ONTP

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

This bill:

1. Requires 3 departments of government to jointly fund the National Alliance on Mental Illness of Maine to establish and maintain crisis intervention team programs administered by a state chapter of a national alliance on mental illness and other jail diversion programs across the State;
2. Requires the Maine Criminal Justice Academy to educate law enforcement and correctional officers about crisis intervention team programs administered by a state chapter of a national alliance on mental illness and other evidence-based and best practice diversion programs;
3. Establishes an incentive for correctional centers to establish crisis intervention team programs administered by a state chapter of a national alliance on mental illness and other evidence-based programs for reducing the incidence of psychiatric crises in jail by granting them additional funding from the County Jail Prisoner Support and Community Corrections Fund; and
4. Establishes an incentive for law enforcement departments to implement crisis intervention team programs administered by a state chapter of a national alliance on mental illness and other best practices for diverting people in psychiatric crisis from jail by increasing the tax on the sale of liquor sold in licensed establishments by .5%.

LD 1627 An Act To Protect Families and Enhance Public Safety by Making Domestic Violence a Crime

**PUBLIC 436
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM	S-276 S-388 ROTUNDO

This bill creates the Class D crime of domestic violence. A person is guilty of committing the crime of domestic violence if the person violates the assault, criminal threatening, terrorizing, stalking or reckless conduct statute and the victim of the crime is a family or household member. "Family or household member" has the same meaning as defined in Title 19-A, section 4002, subsection 4.

A person is guilty committing an elevated Class C crime of domestic violence if the person: has one or more prior convictions for engaging in substantially similar conduct as outlined in the prior paragraph in another jurisdiction; has one or more prior convictions for violating protective order (see Title 19-A, section 4011) or for engaging in substantially similar conduct in another jurisdiction; has one or more prior convictions for violating a preconviction bail condition prohibiting contact with a victim, witness or any other family or household member or for violating a preconviction bail condition of refraining from possessing a firearm or other dangerous weapon; or has been a defendant against whom a qualifying protection order has been issued within the last 3 years.

Committee Amendment "A" (S-276)

This amendment replaces the bill. It specifies, using unique statutory citations to conform to technical drafting

Joint Standing Committee on Criminal Justice and Public Safety

standards, each crime: domestic violence assault, domestic violence criminal threatening, domestic violence terrorizing, domestic violence stalking and domestic violence reckless conduct. As in the bill, each offense is a Class D crime of domestic violence that is committed against a person who is a family or household member. The amendment also retains an aggravated Class C version of each offense if the person: has one or more prior convictions for one of the domestic violence crimes or one or more prior convictions for engaging in conduct substantially similar to these crimes in another jurisdiction; has one or more prior convictions for violating the Maine Revised Statutes, Title 19-A, section 4011, subsection 1 or one or more prior convictions for engaging in conduct substantially similar to that contained in Title 19-A, section 4011, subsection 1 in another jurisdiction; or has one or more prior convictions for violating Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or subparagraph (8) when the alleged victim in the case for which the defendant was on bail was a family or household member as defined in Title 19-A, section 4002, sub-4.

Senate Amendment "A" (S-388)

This amendment adds an emergency preamble and clause, directs certain offices and agencies to review certain bills carried over from the First Regular Session of the 123rd Legislature to identify the processes and data that would assist in more accurately forecasting the cost of changes in law of criminal penalties and sets an effective date for certain parts of the legislation.

Enacted Law Summary

Public Law 2007, chapter 436 creates the crimes of domestic violence assault, domestic violence criminal threatening, domestic violence terrorizing, domestic violence stalking and domestic violence reckless conduct. Each offense is a Class D crime of domestic violence that is committed against a person who is a family or household member. Public Law 2007, chapter 436 creates an aggravated Class C version of each offense if the person: has one or more prior convictions for one of the domestic violence crimes or one or more prior convictions for engaging in conduct substantially similar to these crimes in another jurisdiction; has one or more prior convictions for violating the Maine Revised Statutes, Title 19-A, section 4011, subsection 1 or one or more prior convictions for engaging in conduct substantially similar to that contained in Title 19-A, section 4011, subsection 1 in another jurisdiction; or has one or more prior convictions for violating Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or subparagraph (8) when the alleged victim in the case for which the defendant was on bail was a family or household member as defined in Title 19-A, section 4002, subsection 4.

Public Law 2007, chapter 436 directs the Office of Fiscal and Program Review, the Department of Corrections and the Judicial Department to review certain bills carried over from the First Regular Session of the 123rd Legislature to identify the processes and data that would assist in more accurately forecasting the cost of changes in law of criminal penalties and sets an effective date for certain parts of the legislation. The Office of Fiscal and Program Review shall report findings by November 15, 2007 to the Committees on Appropriations and Financial Affairs, Criminal Justice and Public Safety and Judiciary.

Public Law 2007, chapter 436 was enacted as an emergency measure effective June 27, 2007.

LD 1662 An Act To Authorize Judges To Mandate Counseling for Juvenile Offenders

ONTP

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

This bill allows a court to order counseling for a juvenile who has been adjudicated as having committed a crime or who reneges on or fails to fulfill the requirements of an official or unofficial plea agreement, regardless of the wishes of the juvenile or the juvenile's parent or legal guardian.