

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.

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parole supervision in Maine are conducted administratively, since the Maine courts had no role in the initial determination of the imposition of supervision or the revoking of supervision and therefore have no standing to conduct probable cause hearings involving these transferred offenders.

LD 1749 An Act To Create Indeterminate Sentencing and a Forensic Review Board for Repeat Sexual Assault Offenders and Sexually Violent Offenders

ONTP

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

This bill implements the recommendations of the Department of Corrections made as directed by Resolve 2005, chapter 132. The bill proposes to do the following:

1. Create new sentencing alternative of an indeterminate sentence for repeat sexual assault offenders and sexually violent offenders with a minimum mandatory sentence of at least 20 years;
2. Create a 5-member forensic board appointed by the Governor; the board's duties include: holding hearings, issuing subpoenas, compelling attendance of witnesses, compelling production of documents, administering oaths and taking testimony; and
3. Specify that a person who served a minimum term of years of a sentence is eligible for review by board; upon receipt of application for review, the Department of Corrections must submit a report to board and a hearing would be held to determine if continued imprisonment is appropriate or if conditional release is. If a person is released and violates a condition of that release, the person is arrested and another hearing is held.

LD 1752 An Act To Clarify the Law for Failing To Comply with the Requirements of the Sex Offender Registration and Notification Act of 1999

ONTP

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

This bill clarifies that a person may not seek post-conviction review of a violation of the sex offender registration requirements of the Sex Offender Registration and Notification Act of 1999 for post-conviction review of the underlying sex offense or sexually violent offense that constitutes an element of the registration violation. The bill also clarifies that for purposes of a violation of a duty or rule under the Sex Offender Registration and Notification Act of 1999, "just cause" raised in the context of an affirmative defense means a physical or mental incapacity that makes a person unable to comply with a duty imposed under that Act or a rule adopted pursuant to that Act.

LD 1807 An Act To Provide for Civil Commitment for Sexually Violent Predators and To Prohibit Sex Offenders from Residing Together

ONTP

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

This bill provides a procedure for the commitment of a person determined to be a sexually violent predator if a court finds that the person has a mental abnormality or personality disorder that makes it likely that the person will engage

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in predatory acts of sexual violence if not confined in a secure facility. Protections are provided to a person subject to commitment. Care and treatment must be provided, and the commitment is subject to annual review. Notice of release or discharge is required for victims, witnesses and other persons identified by the prosecuting attorney. This bill designates both the Commissioner of Corrections and the Commissioner of Health and Human Services as responsible for providing secure facilities for sexually violent predators. This bill coordinates release from a secure facility for sexually violent predators with supervised release for sex offenders under Title 17-A, chapter 50.

This bill also directs the Department of Corrections and the Department of Health and Human Services to establish licensing standards and necessary legislation to implement those standards for group and similar residential-style homes in which persons who have been convicted of sex offenses are residing. The purpose of creating licensing standards is to ensure that persons who have been convicted of sex offenses and are now living in the community and are residing in group homes and similar living situations receive appropriate counseling and treatment, instead of living in residential situations that in fact increase the chances of their recidivating. The licensing standards must apply to all group and residential-style homes, including those maintained by for-profit and nonprofit organizations. The departments shall report their recommendations for licensing and necessary implementing legislation to the Joint Standing Committee on Criminal Justice and Public Safety and the Joint Standing Committee on Health and Human Services by December 1, 2007. Upon receipt of the recommendations, the Joint Standing Committee on Criminal Justice and Public Safety and the Joint Standing Committee Health and Human Services may submit legislation to the Second Regular Session of the 123rd Legislature.

LD 1826 An Act To Allow a County Jail To Assess a Surcharge on Bail as a Processing Fee

ONTP

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

This bill provides that a person processed by a county jail may be held liable for a processing fee of \$50, which may be in the form of a surcharge on the bail of that person.

LD 1841 An Act To Improve the Efficiency of the Maine Emergency Medical Services System

PUBLIC 274

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYKES NASS R	OTP-AM	H-315

This bill removes mandatory language regarding the role of the regional emergency medical services councils to allow for evolution of that role in accordance with recommendations resulting from a review of the Maine Emergency Medical Services system and, based on the needs of the State, provides that the state emergency medical services medical director is subject to the Maine Tort Claims Act, authorizes the Emergency Medical Services' Board to use certain technologies to conduct public meetings, improves the efficiency of the practical testing process, amends the basis for certain licensing actions, clarifies treatment of confidential information disclosed to the board for investigative and licensing purposes and authorizes Maine Emergency Medical Services to participate in and provide information to the National Emergency Medical Services Information System.

Committee Amendment "A" (H-315)

This amendment clarifies that Maine Emergency Medical Services is authorized to participate in and share information with the National Emergency Medical Services Information System notwithstanding that section of law relating to the confidentiality of information.

Enacted Law Summary