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.

Public Law 2007, chapter 274 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.

Public Law 2007, chapter 274 also 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.

LD 1873   **An Act To Amend the Laws Governing Stalking**   **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
EDMONDS		S-199

The bill amends the stalking laws by expanding the prohibited conduct and providing for additional aggravating factors that elevate an offense to a Class C crime. Current law specifies that a person is guilty of stalking if the person intentionally or knowingly engages in a course of conduct directed at another specific person that would in fact cause both a reasonable person and that other specific person to suffer intimidation or serious inconvenience, annoyance or alarm; to fear bodily injury or to fear bodily injury to a member of that person's immediate family; or to fear death or to fear the death of a member of that person's immediate family. The bill expands the course of conduct to include that conduct directed at or concerning a specific person that would cause a reasonable person to suffer serious inconvenience or emotional distress; to fear bodily injury or to fear bodily injury to a close relation; to fear death or to fear the death of a close relation; to fear damage or destruction to or tampering with property; or to fear injury to or the death of an animal owned by or in the possession and control of that specific person. These instances of conduct would remain Class D crimes, and the provision requiring a mandatory sentence of imprisonment in the current law is repealed.

Current law also makes the crime of stalking a Class C offense if the person violates any of the current versions of stalking in 17-A, section 210-A, subsection 1, paragraph A, subparagraphs (1)-(3) (described above) and has 2 or more prior convictions for stalking. The bill expands the aggravated course of conduct for Class C stalking to include a person who violates paragraph A, which includes subparagraphs (1)-(3) as amended and new subparagraphs (4) and (5) and, at the time of the offense: violates a condition of a court order in this State or any other jurisdiction in effect at the time of the crime that prohibits the actor from having contact with the person being stalked; has one or more prior convictions under this section or one or more prior convictions for engaging in substantially similar conduct to that contained in this section in any other jurisdiction; has one or more prior convictions in this State or in any other jurisdiction for a crime involving threats of violence or violence against the person being stalked; or has 2 or more prior convictions for any combination of offenses under the following: Title 5, section 4659 ; Title 15, section 321; former Title 19, section 769; Title 19-A, section 4011; Title 22, section 4036; any other temporary, emergency, interim or final protective order issued by any other jurisdiction; or a court-approved consent agreement. The bill also repeals the mandatory sentences in current law for Class C stalking and specifies that for purposes of prior convictions, the convictions may have occurred at any time.

Current law describes "course of conduct" as repeatedly maintaining a visual or physical proximity to a person or repeatedly conveying oral or written threats, threats implied by conduct or a combination of threats and conduct directed at or toward a person. For purposes of this section, "conveying oral or written threats" includes, but is not limited to, communicating or causing a communication to be initiated by mail or by mechanical or electronic means.

For purposes of this section, "course of conduct" also includes, but is not limited to, gaining unauthorized access to personal, medical, financial or other identifying information, including access by computer network, mail, telephone or written communication. "Course of conduct" does not include activity protected by the Constitution of Maine, the United States Constitution or by state or federal statute. The bill amends the definition of "course of conduct" to mean 2 or more acts, including but not limited to acts in which the actor, by any action, method, device or means, directly or indirectly follows, monitors, tracks, observes, surveils, threatens, harasses or communicates to or about a person or interferes with a person's property. "Course of conduct" also includes, but is not limited to, threats implied by conduct and gaining unauthorized access to personal, medical, financial or other identifying or confidential information.

Current law defines "immediate family" as a spouse, parent, child, sibling, stepchild, stepparent or any person who regularly resides in the household or who within the prior 6 months regularly resided in the household, and the bill strikes this term and definition and replaces it with "close relation", which means a current or former spouse or domestic partner, parent, child, sibling, stepchild, stepparent or , grandparent, any person who regularly resides in the household or who within the prior 6 months regularly resided in the household, coworker or any person with a significant personal relationship to the person being stalked.

The bill strikes the current definition of repeatedly (2 or more times) and adds 2 new definitions: "emotional distress", which means mental or emotional suffering of the person being stalked as evidenced by anxiety, fear, torment or apprehension that may or may not result in a physical manifestation of emotional distress or a mental health diagnosis; and "serious inconvenience", which means that a person significantly modifies that person's actions or routines in an attempt to avoid the actor or because of the actor's course of conduct. "Serious inconvenience" includes, but is not limited to, changing a phone number, changing an electronic mail address, moving from an established residence, changing daily routines, changing routes to and from work, changing employment or work schedule or losing time from work or a job.
In addition to making changes to the elements of the crime of stalking, the bill amends Title 17-A section 1252 (imprisonment for crimes other than murder) to require judges to give special weight in sentencing to the fact that a Class C or higher crime was committed by a person while that person was stalking a victim.

The bill also adds an unallocated section describing the legislative intent of capturing all stalking activity, regardless of the method used by the stalker, of better protecting victims and authorizing effective criminal intervention before stalking behavior results in serious physical and emotional harm and increasing penalties for escalating stalking behavior.

Committee Amendment "A" (S-199)

This amendment changes "any other jurisdiction" to "another jurisdiction" to be consistent with the Maine Criminal Code. The amendment removes the term "coworker" from the definition of "close relation," while adding persons with professional relationships. The amendment also strikes the last sentence of the Maine Revised Statutes, Title 17-A, section 1252, subsection 5-D, which would have prohibited courts from suspending that portion of the maximum term of imprisonment based on objective or subjective victim impact in arriving at the final sentence in the 3rd step in the sentencing process. The amendment also strikes 2 words in the legislative intent section.

LD 1873 was carried over by joint order, H.P. 1369 after being removed from the Special Appropriations Table and recommitted to the Committee on Criminal Justice and Public Safety.

LD 1895 **An Act To Implement the Recommendations of the Corrections Alternatives Advisory Committee**   **PUBLIC 377**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM MAJ	H-527
	ONTP MIN	