

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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**JOINT STANDING COMMITTEE ON
CRIMINAL JUSTICE AND PUBLIC SAFETY**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	108	85.0%	5.6%
<i><u>Bills Carried Over</u></i>	<u>19</u>	<u>15.0%</u>	<u>1.0%</u>
Total Bills referred	127	100.0%	6.6%
B. Bills reported out by law or joint order	0	0.0%	0.0%
Total Bills considered by Committee	127	100.0%	6.6%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	5	4.6%	0.3%
<i>Ought to Pass as Amended</i>	20	18.5%	1.1%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<i><u>Ought Not to Pass</u></i>	<u>68</u>	<u>63.0%</u>	<u>3.9%</u>
Total unanimous reports	93	86.1%	5.3%
B. Divided committee reports			
<i>Two-way reports</i>	13	12.0%	0.7%
<i>Three-way reports</i>	2	1.9%	0.1%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	15	13.9%	0.9%
Total committee reports	108	85.0%	6.2%
III. CONFIRMATION HEARINGS	3	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	1	0.0%	0.0%
<i>Public laws</i>	27	21.3%	1.4%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	3	2.4%	0.2%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	31	24.4%	1.6%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<i><u>Rules not authorized by the Legislature</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<i><u>Held by the Governor</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

Joint Standing Committee on Criminal Justice and Public Safety

LD 3 An Act To Strengthen "Permissible Inference" in the Law Concerning CARRIED OVER
Dissemination of Sexually Explicit Material

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYKES		H-20

This bill changes the number of copies of sexually explicit material depicting minors from ten to two copies in order to give rise to a permissible inference under the Maine Rules of Evidence of intent to distribute. Possession of sexually explicit materials is a Class D crime, while dissemination of sexually explicit materials is a Class C crime.

Committee Amendment "A" (H-20)

This amendment replaces the bill. The amendment removes the emergency clause and preamble and specifies that, for purposes of dissemination of sexually explicit materials, possession of two or more copies of the same book, magazine, newspaper, print, negative, slide, motion picture, videotape, computer data file or other mechanically, electronically or chemically reproduced visual image or material gives rise to a permissible inference under the Maine Rules of Evidence, Rule 303 that the person who possesses those items has the intent to disseminate them.

LD 3 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 32 An Act To Create a Regional Jail System BY REQUEST ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to require county governments to create regional jails and to share the costs of building and maintaining those regional jails. Existing county jails would be used to hold persons prior to conviction.

LD 45 An Act To Place Lifetime Restraining Orders on Violent Sex Offenders ONTP
and Predatory Sex Offenders

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

This bill establishes the authority of the court to issue a standing criminal restraining order that applies to persons convicted of certain sex offenses. The standing criminal restraining order takes effect when the defendant is released from confinement and continues until modified or revoked by the court for good cause shown. The order may include, but is not limited to, enjoining the defendant from residing within 10 miles of the victim's residence or within 10 miles of where the offense occurred. Violation of the order is a Class D crime. The standing criminal restraining order is available to the court for gross sexual assault crimes as well as any sexual assaults in which the actor is at least 18 years of age and the victim is under 12.

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LD 46 An Act To Create Mandatory Minimum Sentences for Persons Convicted of Certain Sex Offenses against Victims under 12 Years of Age

**ACCEPTED
REPORT A
(ONTP)**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA DIAMOND	ONTP A OTP-AM B OTP-AM C	

This bill changes the sentence for gross sexual assault against a victim who is under 12 years of age to a period of imprisonment of 25 years, none of which may be suspended. If the defendant had previously been convicted and sentenced for committing gross sexual assault, rape or gross sexual misconduct against a person who is under 12 years of age, the court must impose a sentence of life imprisonment, none of which may be suspended.

Committee Amendment "A" (H-542)

This amendment is one of 2 minority reports of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment makes technical changes to conform to drafting standards. This amendment was not adopted.

Committee Amendment "B" (H-543)

This amendment is one of 2 minority reports of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment strikes the provision in the bill that changes the sentence for gross sexual assault against a victim who is under 12 years of age to a period of imprisonment of 25 years. Instead, the amendment specifies that if the State pleads and proves that a gross sexual assault was committed against a person who had not yet attained 12 years of age and that the defendant had previously been convicted and sentenced for committing gross sexual assault, formerly denominated as gross sexual misconduct, or rape, or conduct substantially similar to one of these crimes in another jurisdiction against a person who had not yet attained 12 years of age, the court shall impose a term of imprisonment for any term of years that is not less than 25. This amendment was not adopted.

LD 66 An Act To Prohibit the Transfer of Salvia Divinorum to Minors and To Prohibit Possession of Salvia Divinorum by Minors

PUBLIC 120

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARSTOW COURTNEY	OTP-AM A OTP-AM B ONTP C	H-117

This bill adds salvia divinorum to the list of Schedule Z drugs, which currently includes marijuana; all prescription drugs that are not scheduled as W, X or Y; all nonprescription drugs that are not scheduled as W, X or Y and designated by the Board of Commissioners of the Profession of Pharmacy; butyl nitrite or isobutyl nitrite; and methamphetamine precursor drugs. LD 66 would make possession of salvia divinorum a Class E crime. Trafficking of salvia divinorum would be a Class D crime, and possession of more than a pound of salvia divinorum would give rise to a permissible inference that the person is unlawfully trafficking the drug.

Committee Amendment "A" (H-117)

This amendment replaces the bill and is the majority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment prohibits the transfer of salvia divinorum to or the possession of the

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same by persons who are under 18 years of age. The penalties for the prohibited conduct described in the amendment are modeled on the penalties in the Maine Revised Statutes, Title 22, chapter 262-A, subchapter 2, which deals with the prohibition of sales of tobacco to and possession of tobacco by minors.

Committee Amendment "B" (H-118)

This amendment is one of 2 minority reports of the Joint Standing Committee on Criminal Justice and Public Safety. The majority report is also "ought to pass as amended" and the second minority report is "ought not to pass." This amendment clarifies the definition of "salvia divinorum." This amendment was not adopted.

Enacted Law Summary

Public Law 2007, chapter 120 prohibits the transfer of salvia divinorum to or the possession of the same by persons who are under 18 years of age. The penalties for the prohibited conduct described in the amendment are modeled on the penalties in the Maine Revised Statutes, Title 22, chapter 262-A, subchapter 2, which deals with the prohibition of sales of tobacco to and possession of tobacco by minors.

LD 67 An Act To Reduce the Cost of the Operation of County Jails

**ACCEPTED ONTP
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT MCCORMICK	ONTP MAJ OTP-AM MIN	

This bill provides that for a Class A, Class B, Class C or Class D crime the court must specify a county jail as the place of imprisonment if the term of imprisonment is less than 6 months and must commit the person to the Department of Corrections if the term of imprisonment is 6 months or more. In the case of a split sentence, it provides that for a Class D crime, the court must specify a county jail as the place of imprisonment for a sentence of less than 6 months and must commit the person to the Department of Corrections for a sentence of 6 months or more. Also in the case of a split sentence, for a Class A, Class B or Class C crime the court must specify a county jail as the place of imprisonment for any portion of the sentence that is less than 6 months and commit the person to the Department of Corrections for any portion of the sentence that is 6 months or more.

Committee Amendment "A" (H-546)

This amendment is the minority report. This amendment adds an appropriations and allocations section. This amendment was not adopted.

LD 68 An Act To Provide a Reward for Information Regarding the Murder of a Law Enforcement Officer

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARLOW		H-123

This bill provides that when there is reasonable cause to believe that a law enforcement officer has been murdered, the Governor shall, upon application in writing by the Attorney General or the district attorney in the county where the alleged crime was committed, offer a reward of \$25,000 for evidence that leads directly to a conviction for that murder. Upon proof that the terms of the reward offer have been complied with, the Governor shall direct the Treasurer to make payment of the reward.

Committee Amendment "A" (H-123)

This amendment replaces the bill. The amendment retains the \$25,000 reward for information that leads

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directly to a conviction for the murder of a law enforcement officer when there is reasonable cause to believe that the law enforcement officer has been murdered, but in the amendment the officer must have been murdered while in the performance of the officer's official duties. In such a case, the Governor shall, upon application in writing by the Attorney General or the district attorney for the county in which the alleged crime was committed, offer a reward of \$25,000 for evidence that leads directly to the conviction of the murderer under the Maine Revised Statutes, Title 17-A, sections 201 or 202. Upon satisfactory proof that the terms of the reward offer have been complied with, the Governor shall draw a warrant upon the Treasurer of State for the payment of the reward. The amendment also moves this process from Title 17-A, the Maine Criminal Code, to Title 2, which deals with the powers and duties of the Governor.

LD 68 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 69 An Act To Impose Zero Tolerance for Methamphetamine Production

ONTP

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

This bill requires a court to impose a sentencing alternative of 25 years to life imprisonment for a person convicted of trafficking in methamphetamine when it was proved the defendant manufactured methamphetamine.

See LD 424, "An Act to Protect Children from Dangerous Drugs, Harmful Chemicals and Drug-related Violence," which was carried over.

LD 70 An Act Concerning Reduced Ignition Propensity Cigarettes

PUBLIC 253

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RINES	OTP-AM	H-338

This bill provides that, beginning January 1, 2008, only cigarettes that meet the standards of fire-safe cigarettes as established by the State Fire Marshal may be offered for sale in this State.

Committee Amendment "A" (H-338)

This amendment replaces the bill. Whereas the bill prohibited the sale of cigarettes that do not meet the fire-safe standards established by the State Fire Marshal, the amendment requires that all cigarettes sold in the State be certified as meeting reduced ignition propensity standards by January 1, 2008 and creates standards for testing in the Maine Revised Statutes, Title 22. The amendment includes provisions to allow for the sale of existing inventory. The amendment also authorizes the State Fire Marshal, the State Tax Assessor and the Attorney General to enforce the standards and creates the Fire Prevention and Public Safety Fund from fines collected for noncompliance.

Enacted Law Summary

Public Law 2007, chapter 253 requires that all cigarettes sold in the State be certified as meeting reduced ignition propensity standards by January 1, 2008 and creates standards for testing in the Maine Revised Statutes, Title 22. The law includes provisions to allow for the sale of existing inventory. The law also authorizes the State Fire Marshal, the State Tax Assessor and the Attorney General to enforce the standards and establishes the Fire Prevention and Public Safety Fund from fines collected for noncompliance.

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**LD 71 An Act To Amend the Laws Governing the Plea of Not Criminally
Responsible by Reason of Insanity in Juvenile Cases**

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYKES		H-248

This bill details the procedure by which a juvenile is ordered committed after being found not criminally responsible by reason of mental disease or defect. The Juvenile Court shall order the juvenile committed to the custody of the Department of Health and Human Services to be placed in an appropriate facility, and 6 months prior to the juvenile's 18th birthday a report must be issued by the State Forensic Service reviewing the appropriateness of continued institutionalization or release. A committed juvenile will still attend appropriate schools and job skills training. The treatment for a committed juvenile includes rehabilitation, mental health counseling and medication management and family counseling. An annual review must be conducted for a committed juvenile, and the court may order the juvenile to remain committed or released upon conditions if the court finds that the juvenile is no longer a threat to the juvenile or to others.

Committee Amendment "A" (H-248)

This amendment replaces the bill and does the following.

1. It clarifies definitions of the juvenile defense of not criminally responsible by reason of insanity by making language consistent with the defense as it applies to adult criminal matters.
2. It creates procedures similar to those that exist for adults found not criminally responsible by reason of insanity for the review by the juvenile court of a juvenile's placement, transfer, release and discharge from the custody of the Department of Health and Human Services.
3. It specifies that subsequent hearings for juveniles found not criminally responsible by reason of insanity may not be open to the public.
4. It provides a mechanism for notice to the victim when a juvenile is released from secure treatment.
5. It allocates the procedures governing findings and hearings related to juveniles found not criminally responsible by reason of insanity to the sequence of sections in the Maine Juvenile Code governing adjudicatory hearings, findings and adjudication, thereby clarifying that a finding of not criminally responsible by reason of insanity precludes adjudication of a juvenile crime.
6. It provides procedures by which a juvenile may enter an answer of not criminally responsible by reason of insanity alone or coupled with a denial of the charges.
7. It provides authority to the juvenile court to order a diagnostic evaluation of a juvenile who enters an answer of not criminally responsible by reason of insanity alone or coupled with a denial of the charges.
8. It provides that copies of treatment plans, reports and petitions must be distributed to all parties, including the juvenile and the juvenile's parents, guardian or legal custodian if the juvenile has any.

LD 71 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.

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LD 91 An Act To Provide Regulation of the Department of Corrections Telephone System by the Public Utilities Commission

ONTP

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

This bill requires the Department of Corrections (DOC) to manage a coordinated and efficient telephone system, subject to oversight and regulation by the Public Utilities Commission (PUC). The bill authorizes the department to use state equipment and services of the Department of Administrative and Financial Services or to contract for equipment and services.

LD 91 also requires the PUC to oversee and regulate the DOC telephone system, including phone use by the DOC's employees and in all locations managed and operated by the DOC. The bill requires the PUC to give annual reports, with recommendations for improvement, to the joint standing committees of the Legislature having jurisdiction over criminal justice and corrections matters and utilities matters. The PUC may adopt routine technical rules to implement these changes.

LD 96 An Act To Require a Test for Operating under the Influence for a Driver Involved in an Accident That Caused Bodily Injury

ACCEPTED ONTP
REPORT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHATZ DAMON	ONTP MAJ OTP-AM MIN	

Current law requires that the operator of a motor vehicle involved in an accident that results in or is likely to result in death to submit to a test to determine blood alcohol level or drug concentration. The investigating law enforcement officer is required to cause the test to be administered but has the discretion to determine the form of the test. This bill requires that if there is probable cause to believe that "bodily injury" has occurred or will occur as a result of an accident, the vehicle operator involved in the accident must submit to a chemical test to determine blood alcohol level or drug concentration.

The bill also amends the law regarding an operator's right to hearing on an administrative license suspension by the Secretary of State by adding the operator involved in an accident where there is bodily injury as proposed by the bill.

For purposes of this bill, "bodily injury" has the same meaning as found in the Maine Criminal Code: "bodily injury" means physical pain, physical illness or any impairment of physical condition.

Committee Amendment "A" (H-27)

This amendment is the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment requires law enforcement officers to order mandatory chemical testing to be administered to determine the blood-alcohol level or drug concentration of an operator of a motor vehicle involved in an accident involving apparent serious bodily injury, just as current law requires for motor vehicle accidents involving death. This amendment was not adopted.

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LD 122 An Act To Amend the Authority of a Motor Vehicle Investigator

PUBLIC 12

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

Currently, motor vehicle inspectors of the Office of the Secretary of State have statutory authority to enforce only motor vehicle violations under Title 29-A. This bill provides that motor vehicle inspectors have statutory authority to enforce all provisions of Title 29-A, Title 17-A and all the other laws of the State, like a sheriff's powers in a county.

Enacted Law Summary

Public Law 2007, chapter 12 provides that motor vehicle inspectors have statutory authority to enforce all provisions of Title 29-A, Title 17-A and all the other laws of the State, like a sheriff's powers in a county.

LD 146 An Act To Enhance Self-defense

ONTP

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

Section 1 of the bill amends Title 12 by repealing the prohibition on having a loaded firearm or crossbow in a motor vehicle for a person other than a holder of a concealed weapons permit.

Sections 2 and 3 of the bill repeal the provision of law that suspends the license of a private investigator for 5 years if that private investigator is convicted of possession of a firearm in an establishment licensed for the on-premises consumption of liquor.

Section 4 of the bill amends the sentencing laws by increasing by 10 years the maximum allowable sentence of a person convicted of aggravated assault, elevated aggravated assault and elevated aggravated assault on a pregnant person if a firearm, slungshot, knuckles, bowie knife, dirk or stiletto was used in the offense.

Sections 5 and 6 of the bill repeal the prohibition on concealing a dangerous weapon except by a person who has a concealed weapons permit.

Section 7 of the bill repeals all exceptions to the law prohibiting the carrying of a concealed dangerous weapon.

Sections 8 and 9 of the bill repeal the requirement that a holder of a concealed weapons permit possess the permit in person while carrying a concealed weapon.

LD 147 An Act To Require as a Condition of Probation for Sex Offenders the Approval of a Residence by a Probation Officer

ONTP

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

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This bill imposes a mandatory condition of probation for a person convicted of a sex offense who is required to be registered on the sex offender registry that the person reside only in a residence approved by the probation officer.

LD 148 *Resolve, Directing the Department of Public Safety and the Attorney General To Review Other States' Concealed Weapon Reciprocity Agreements and Actively Seek Reciprocity Where Appropriate*

RESOLVE 84

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA HASTINGS	OTP-AM	H-478

Current law allows the Chief of the State Police to enter into reciprocity agreements with 2 other states regarding the recognition of permits to carry a concealed firearm. Reciprocity may be granted with another state if the other state that issued the permit to carry has substantially equivalent or stricter requirements for the issuance of a permit and the other state observes the same rules of reciprocity.

This bill allows a person from another state to carry a concealed firearm in Maine if that person has a permit to carry a concealed firearm issued by a state that grants reciprocity to concealed firearm permits issued by Maine or if that person's state requires no permit to carry a concealed firearm.

Committee Amendment "A" (H-478)

This amendment replaces the bill and creates a resolve that directs the Commissioner of Public Safety to work in cooperation with the Attorney General to conduct a comprehensive review of other states' concealed weapon laws for the purpose of identifying and seeking other states with whom this State may enter into concealed weapon reciprocity agreements. The Commissioner of Public Safety shall report findings and progress to the Joint Standing Committee on Criminal Justice and Public Safety no later than January 1, 2008. Upon receipt of the report, the Joint Standing Committee on Criminal Justice and Public Safety may submit necessary implementing legislation to the Second Regular Session of the 123rd Legislature.

Enacted Law Summary

Resolve 2007, chapter 84 directs the Commissioner of Public Safety to work in cooperation with the Attorney General to conduct a comprehensive review of other states' concealed weapon laws for the purpose of identifying and seeking other states with whom this State may enter into concealed weapon reciprocity agreements. The Commissioner of Public Safety shall report findings and progress to the Joint Standing Committee on Criminal Justice and Public Safety no later than January 1, 2008. Upon receipt of the report, the Joint Standing Committee on Criminal Justice and Public Safety may submit necessary implementing legislation to the Second Regular Session of the 123rd Legislature.

LD 149 *An Act To Take into Account the Crime Committed That Facilitated a Sexual Assault*

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT		H-508

This bill amends the sentencing laws regarding terms of imprisonment by specifying that if the State pleads and proves that a Class B or C crime was committed with the intent to facilitate a sexual assault, and the person is convicted of both the offense that facilitated the sexual assault and the sexual assault, the sentencing class for the crime that facilitated the sexual assault is one class higher than it would otherwise be. The bill also specifies that if the State pleads and proves that a Class A, B or C crime was committed with the intent to facilitate a sexual assault,

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and the person is convicted of both the offense that facilitated the sexual assault and the sexual assault, the court shall sentence the person to serve the terms of imprisonment consecutively.

Committee Amendment "A" (H-508)

This amendment replaces the bill and clarifies the intent by moving the new sentencing provisions proposed in the bill to the more appropriate sections of the Maine Revised Statutes, Title 17-A, sections 1252 and 1256. The amendment makes the ability to impose consecutive sentences discretionary instead of mandatory. The amendment also makes technical language changes to conform to the Maine Criminal Code.

LD 149 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 182 An Act To Amend the Laws Governing Cases Involving the Plea or Finding of Not Criminally Responsible by Reason of Insanity

**ACCEPTED ONTP
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT	ONTP MAJ OTP-AM MIN	

This bill requires a person who pleaded or was found not criminally responsible by reason of insanity for a crime involving violence be committed for at least 2 years to "an appropriate institution for the mentally ill or the mentally retarded" for care and treatment. The bill also requires a person who pleads not criminally responsible by reason of insanity for a charge of murder of Class A crime to be tried before a jury.

Committee Amendment "A" (S-53)

This amendment replaces the bill and is the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment requires a commitment to an appropriate institution for the mentally ill or the mentally retarded of at least 2 years for a defendant who pleads or is found not criminally responsible by reason of insanity for a crime of murder, attempted murder or manslaughter. This amendment was not adopted.

LD 191 An Act To Prevent Certain Sex Offenders from Having Contact with Persons less than 14 Years of Age

ONTP

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

This bill creates a new Class D crime of prohibited contact with a minor. A person is guilty of prohibited contact with a minor if that person is convicted of an offense under the Maine Revised Statutes, Title 17-A, chapter 11 or chapter 12 against another person who has not in fact attained 12 years of age and that person intentionally or knowingly has any direct or indirect unsupervised contact with another person who has not in fact attained 14 years of age. 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 granted the defendant permission to initiate any unsupervised contact.

See 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."

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LD 192 Resolve, Directing the Department of Public Safety To Make a Map Available on the Sex Offender Registry **ONTP**

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

This resolve directs the Department of Public Safety, Bureau of State Police, State Bureau of Identification to make available on the publicly accessible sex offender registry online search service a map that displays where sex offenders reside in order for a member of the public to determine the proximity of a sex offender's residence to the member of the public's residence.

LD 193 An Act To Restrict Access to Certain Websites by Sex Offenders **ONTP**

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

This bill makes ongoing General Fund appropriations of \$100,000 per year for the Department of Public Safety, Maine State Police Crime Laboratory, Computer Crimes Unit. The bill also creates a new crime that prohibits a person who is required to register under the Sex Offender Registration and Notification Act from accessing websites that are likely to be frequented by minors.

LD 195 An Act To Promote the Safety of Children **ONTP**

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

This bill requires that a local law enforcement agency notify a licensed child care facility within a municipality that a sex offender who is conditionally released or discharged may be domiciled, reside, work or go to college or school in that municipality.

LD 219 An Act To Use Forfeited Bail Money for the Victims of an Offender **PUBLIC 31**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANLEY S MCCORMICK	OTP-AM	H-19

Each prosecutorial district has an Extradition Account in an amount not to exceed \$20,000 that is used solely for the purpose of paying the expenses of extraditing persons charged with or convicted of a crime in this State and who are fugitives from justice. The Extradition Account in each prosecutorial district is funded by bail forfeited to and recovered by the State pursuant to the Maine Rules of Criminal Procedure, Rule 46. Whenever bail is forfeited and recovered by the State, the district attorney shall determine whether it or a portion of it is deposited in the Extradition Account for that district attorney's prosecutorial district. Any bail forfeited and recovered and not deposited in the Extradition Account must be deposited in the General Fund. Any unexpended balance in the Extradition Account of a prosecutorial district established by this section may not lapse but must be carried forward

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into the next year.

This bill requires that district attorneys determine if, in the case where there are proceeds from a forfeited bail of an offender, that offender owes outstanding restitution. If the offender is in default of a restitution obligation, the forfeited bail must be used to satisfy the restitution obligation. Any remaining forfeited bail must be placed in the Extradition Account.

Committee Amendment "A" (H-19)

This amendment clarifies that proceeds from forfeited bail of an offender who is in default of a restitution obligation may be used to satisfy the obligation only in the proceeding brought under that default proceeding. When an offender who has been sentenced to pay restitution fails to pay the restitution, the offender may be required to appear in court pursuant to the Maine Revised Statutes, Title 17-A, section 1329. As part of that proceeding, the court may issue a bench warrant and require the offender to post bail. If the offender fails to appear in the restitution proceeding, the court may forfeit the bail. Under current law, forfeited bail may be transferred only to the District Attorney's Extradition Account under Title 15, section 224-A and is not available to satisfy the restitution order. The amendment requires that proceeds of a bail forfeiture in the restitution default proceeding instead be used first to satisfy the restitution order, with any remaining forfeited bail transferred to the Extradition Account.

Enacted Law Summary

Public Law 2007, chapter 31 requires that district attorneys determine if, in the case where there are proceeds from a forfeited bail of an offender, that offender owes outstanding restitution. Proceeds from forfeited bail of an offender who is in default of a restitution obligation may be used to satisfy the obligation only in the proceeding brought under that default proceeding. When an offender who has been sentenced to pay restitution fails to pay the restitution, the offender may be required to appear in court pursuant to the Maine Revised Statutes, Title 17-A, section 1329. As part of that proceeding, the court may issue a bench warrant and require the offender to post bail. If the offender fails to appear in the restitution proceeding, the court may forfeit the bail. Under current law, forfeited bail may be transferred only to the District Attorney's Extradition Account under Title 15, section 224-A and is not available to satisfy the restitution order. Public Law 2007, chapter 31 requires that proceeds of a bail forfeiture in the restitution default proceeding instead be used first to satisfy the restitution order, with any remaining forfeited bail transferred to the Extradition Account.

LD 220 An Act To Clarify and Expand Maine Criminal Laws Related to Sexual Assault

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY SHERMAN		H-93

The bill clarifies and expands criminal laws relating to sexual assault in which the victim of the crime is a student at a private or public elementary, secondary or special education school, facility or institution and the perpetrator of the crime either is, or will be, a teacher, employee or other official where the victim is enrolled or is a law enforcement officer where the student resides or is enrolled.

Committee Amendment "A" (H-93)

This amendment replaces the bill. The amendment clarifies that for purposes of sexual assault in which the victim of the crime is a student at a private or public elementary, secondary or special education school, facility or institution, the law recognizes that a teacher or other school employee's instructional, supervisory or disciplinary authority over the student does not disappear during school vacations and summer recess. The teacher or other school employee may not raise as a defense to prosecution that the conduct occurred during a school vacation or summer recess if the teacher or other school employee maintained that status immediately prior to the vacation or recess. The amendment also specifies that the same standards be applied to law enforcement officers who are

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employees of or are assigned to perform duties at a private or public elementary, secondary or special education school, facility or institution.

LD 220 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 238 An Act To Require Maine To Submit DNA Samples of Sex Offenders to
the National DNA Registry**

ONTP

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

This bill requires that persons convicted of the following Class D crimes, which require registration under the Sex Offender Registration and Notification Act of 1999 (SORNA) be added to the list of those offenses requiring that a DNA sample be taken under Maine's DNA Data Base and Data Bank Act:

1. 17-A, §284, sub-§1, A, (possession of sexually explicit material);
2. 17-A, §302, sub-§1, A, sub-(1)-(3) and §302, sub-§1, B, sub-(1), (criminal restraint);
3. 17-A, §511, sub-§1, D, (violation of privacy);
4. 17-A, §556, sub-§1, A, (incest); and
5. 17-A §855, sub-§1, A, (patronizing prostitution of a minor).

The bill also directs that any sample taken from a person convicted of an offense for which the person has to register under the SORNA must be sent to CODIS. CODIS is the FBI's national DNA identification index system that allows for storage and exchange of DNA records submitted by state and local forensic DNA labs.

LD 239 An Act To Provide a Felony Penalty for Assault on a Firefighter

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUCHESNE		H-21

A person who intentionally, knowingly or recklessly causes bodily injury to a law enforcement officer while that officer is in performance of official duties (Title 17-A §752-A) or to a medical care provider while the provider is providing emergency medical care (Title 17-A §752-C), the person is guilty of a Class C crime of assault. This bill creates a Class C assault for intentionally, knowingly or recklessly causing bodily injury to a firefighter if the assault occurs while the firefighter is performing official duties.

Committee Amendment "A" (H-21)

This amendment is the majority report of the Criminal Justice and Public Safety Committee. The amendment specifies that the Class C assault on a firefighter applies only in situations where the firefighter is performing official duties at the scene of a fire or other emergency.

LD 239 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.

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LD 246 An Act To Protect the Solemnity and Dignity of a Funeral or Memorial Service in Maine

**PUBLIC 144
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASTINGS	OTP-AM MAJ ONTP MIN	S-54

This bill makes it a Class E crime for a person to pass out leaflets or handbills, display a sign or engage in oral protest, education or counseling within 1,000 feet of a facility or cemetery being used for a funeral, memorial or burial service with knowledge of the funeral, memorial or burial service during the 120 minutes immediately preceding the scheduled starting time of the funeral, memorial or burial service, during the funeral, memorial or burial service or during the 60 minutes immediately following the funeral, memorial or burial service.

Committee Amendment "A" (S-54)

This amendment replaces the bill and is the majority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment adds an emergency clause and preamble, and instead of creating a new crime, it expands upon the current crime of disorderly conduct. The amendment replaces the whole statutory section on disorderly conduct to correct faulty section structure. Substantively, however, the amendment uses current law to identify funeral attendees as a special class when making a disorderly conduct analysis. The amendment specifies that in a private or public place on or near property where a funeral, burial or memorial service is being held, a person is guilty of disorderly conduct if the person knowingly accosts, insults, taunts or challenges any person in mourning and in attendance at the funeral, burial or memorial service with unwanted, obtrusive communications by way of offensive, derisive or annoying words, or by gestures or other physical conduct, that would in fact have a direct tendency to cause a violent response by an ordinary person in mourning and in attendance at a funeral, burial or memorial service.

Enacted Law Summary

Public Law 2007, chapter 144 expands upon the current crime of disorderly conduct. Public Law 2007, chapter 144 replaces the whole statutory section on disorderly conduct to correct faulty section structure. Substantively, Public Law 2007, chapter 144 uses current law to identify funeral attendees as a special class when making a disorderly conduct analysis. The law specifies that in a private or public place on or near property where a funeral, burial or memorial service is being held, a person is guilty of disorderly conduct if the person knowingly accosts, insults, taunts or challenges any person in mourning and in attendance at the funeral, burial or memorial service with unwanted, obtrusive communications by way of offensive, derisive or annoying words, or by gestures or other physical conduct, that would in fact have a direct tendency to cause a violent response by an ordinary person in mourning and in attendance at a funeral, burial or memorial service.

Public Law 2007, chapter 144 was enacted as an emergency measure effective May 18, 2007.

LD 280 An Act To Make a Conviction for a 6th Operating under the Influence Charge a Class B Crime

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND		S-98

This bill creates a new Class B crime of operating a motor vehicle while under the influence 6 or more times. This new crime is not limited by the 10-year look back period and is subject to penalties including a fine of not less than \$3,000, except that if the person failed to submit to a test at the request of a law enforcement officer, a fine of not less than \$3,500; a period of incarceration of not less than one year, except that if the person failed to submit to a

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test at the request of a law enforcement officer, a period of incarceration of not less than one year and 3 months; and a court-ordered suspension of a driver's license for life.

Committee Amendment "A" (S-98)

This amendment specifies that the new Class B crime of operating a motor vehicle while under the influence 6 or more times is limited by a 15-year look back period, which is 5 years more than the current look back period for operating under the influence offenses but less than the lifetime look back proposed in the bill.

LD 280 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 294 An Act Concerning Posting the Registry of Convicted Sex Offenders

ONTP

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

This bill requires municipal law enforcement agencies to post at their departments the most current sex offender registry of registrants who are domiciled, reside, are employed or attend college or school within the posting law enforcement agency's jurisdiction. The bill also requires municipalities that do not have law enforcement agencies to post at the municipal office the most current sex offender registry of registrants who are domiciled, reside, are employed or attend college or school within the municipality.

LD 295 An Act To Increase the Fines for Littering

**ACCEPTED ONTP
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRESSEY	ONTP MAJ OTP MIN	

This bill increases the fines for littering as follows.

1. For disposal of 15 lbs. or less or 27 cubic feet or less, the fine is increased from not less than \$100 and not more than \$500 to not less than \$200 and not more than \$600.
2. For disposal of the same amount above (1) after having previously violated the same provision, the fine is increased from not less than \$200 and not more than \$500 to not less than \$300 and not more than \$600.
3. For disposal of more than 15 lbs. or more than 27 cubic feet, the fine is increased from not less than \$200 and not more than \$500 to not less than \$300 and not more than \$600.
4. For disposal of the same amount above (3) after having previously violated the same provision, the fine is increased from not less than \$500 and not more than \$1,000 to not less than \$600 and not more than \$1,500.

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LD 316 An Act To Reduce Bomb Threats at Public Institutions and Businesses

ONTP

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

This bill makes a person with specific knowledge of the perpetrator of an act of a false public alarm an accomplice to that crime, if that person does not notify a law enforcement officer or member of a fire fighting agency or other person likely to notify such an official within 24 hours of obtaining knowledge of the crime.

This bill also prohibits a person under 18 years of age who is convicted of or adjudicated as having committed a false public alarm from possessing a driver's license or instruction permit or attending a driver education program until the July 1st subsequent to the person's 18th birthday and directs the Department of Education to require every elementary and secondary school to post notice of these provisions.

**LD 322 Resolve, To Ensure More Comprehensive Investigation and Prosecution
of Computer Crimes**

**RESOLVE 5
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM	S-10

This resolve directs the Joint Standing Committee on Criminal Justice and Public Safety to review and assess the current resources appropriated to the computer crimes unit of the Department of Public Safety. The committee shall determine what impact the new Computer Crimes Forensic Analyst positions and equipment, pursuant to Public Law 2005, chapter 676, have had on the backlog of computer crimes cases and whether additional positions and resources are necessary to aggressively address the proliferation of computer crimes, especially those against children. If necessary, upon completing the review, the committee may introduce legislation to implement its recommendations.

Committee Amendment "A" (S-10)

This amendment clarifies that the review and assessment of the computer crimes unit of the Department of Public Safety be completed by the Joint Standing Committee on Criminal Justice and Public Safety during the First Regular Session of the 123rd Legislature. The committee will not meet during the interim to do this work.

Enacted Law Summary

Resolve 2007, chapter 5 directs the Joint Standing Committee on Criminal Justice and Public Safety to review and assess the current resources appropriated to the computer crimes unit of the Department of Public Safety. The committee shall determine what impact the new Computer Crimes Forensic Analyst positions and equipment, pursuant to Public Law 2005, chapter 676, have had on the backlog of computer crimes cases and whether additional positions and resources are necessary to aggressively address the proliferation of computer crimes, especially those against children. If necessary, upon completing the review, the committee may introduce legislation to implement its recommendations.

Resolve 2007, chapter 5 was enacted as an emergency measure effective April 3, 2007.

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LD 329 An Act To Provide Equity in County Jail Maximum Sentences

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLETCHER MCCORMICK		

This bill changes the maximum county jail sentences from 9 months to less than 6 months. It also changes the maximum imprisonment in a county jail for crimes other than murder from 9 months to less than 6 months. This bill was not referred to the Criminal Justice and Public Safety Committee, and it was indefinitely postponed.

LD 351 An Act To Allow Municipalities To Designate Safe Zones To Protect Children from Sex Offenders

ONTP

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

This bill requires municipalities to designate safe zones to protect minors from sexual offenses and from drug-related offenses. The bill requires courts to treat the commission of a sexual offense within a designated safe children zone, including a municipally created safe zone, as an aggravating sentencing factor.

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 under 14 Years of Age."

LD 361 An Act To Create a Waiting Period for Firearms

**DIED IN
CONCURRENCE**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN	ONTP MAJ OTP-AM MIN	

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

This bill proposes to create a 10-day waiting period for the purchase of a rifle or a shotgun by a person under 21 years of age.

Committee Amendment "A" (H-122)

This amendment replaces the bill and is the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment combines the unlawful transfer of a firearm to a minor provision with the unlawful transfer of a handgun to a minor provision and redefines "firearm" to include handguns for purposes of the new section. The result requires written parental consent for a person who has not attained 18 years of age to purchase or receive a firearm or handgun. The same exceptions for a temporary transfer of a handgun to a minor that exist in current law apply to the transfer of a firearm, including a handgun, to a minor under the amendment.

The amendment also directs the Department of Public Safety, in cooperation with the Department of Health and Human Services, to conduct a study to determine the ownership status of firearms used in firearms-related suicides in Maine. The Commissioner of Public Safety shall report the study's findings to the Joint Standing Committee on Criminal Justice and Public Safety by January 15, 2008. Upon receiving the report, the Joint Standing Committee

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on Criminal Justice and Public Safety may submit legislation to the Second Regular Session of the 123rd Legislature.

This amendment was not adopted.

LD 362 An Act To Effect the Seizure and Disposal of Contraband Fireworks

**PUBLIC 81
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY	OTP	

This bill is an emergency bill that establishes a process for the disposal of fireworks seized by or surrendered to law enforcement authorities. The only situations in which fireworks are not contraband are when they are exempted from sanction, for instance, in the case of maritime flares, or the person possessing, using or transporting them is already permitted to do so under the Maine Revised Statutes, Title 8, chapter 9-A.

Enacted Law Summary

Public Law 2007, chapter 81 establishes a process for the disposal of fireworks seized by or surrendered to law enforcement authorities. The only situations in which fireworks are not contraband are when they are exempted from sanction, for instance, in the case of maritime flares, or the person possessing, using or transporting them is already permitted to do so under the Maine Revised Statutes, Title 8, chapter 9-A.

Public Law 2007, chapter 81 was enacted as an emergency measure effective May 7, 2007.

LD 363 An Act To Improve Juvenile Justice

PUBLIC 196

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYKES	OTP-AM	H-186

This bill amends the Maine Juvenile Code as follows.

Section 1 provides clarification of when conditions of release imposed by a juvenile community corrections officer (jcco) terminate. A conditional release ordered by the court or jcco will stay in place, if the juvenile is not prosecuted, until an informal adjustment is begun and/or the DA determines that no petition will be filed on a given case.

Section 2 clarifies that the public may not be excluded from a proceeding involving a juvenile petition alleging a second or subsequent crime that would be a Class D or higher class crime if Class D offense were preceded by not only another Class D offense unrelated to the current offense but also if it was preceded by another offense that would constitute a Class A, B or C offense or murder if committed by an adult.

Section 4 provides explicit statutory authority for the juvenile court to invoke contempt powers to enforce dispositional orders and hold accountable juveniles who fail to comply with such orders.

Sections 3 and 5 authorize the court to suspend for up to 6 months the license, permit or right to operate a motor vehicle of a juvenile adjudicated of illegal possession or consumption of liquor by a minor.

Committee Amendment "A" (H-186)

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This amendment does the following.

1. It adds a new section that amends the Maine Revised Statutes, Title 15, section 3301, subsection 6 by adding the "attorney for the State" to those a juvenile community corrections officer must notify if the officer decides not to request the attorney for the State to file a petition. The change also amends that section to add a requirement that the attorney for the State make a final determination as to whether to file a juvenile petition within 30 days of being notified of the juvenile community corrections officer's decision not to request that a petition be filed.
2. It amends Title 15, section 3307, subsection 2 by opening to the public a juvenile proceeding in which a petition has been filed for a juvenile crime that would constitute a Class D crime if the juvenile involved were an adult only when the juvenile has previously been adjudicated of committing a juvenile crime that would constitute a Class D or higher class crime.
3. It replaces that section of the bill that enacts Title 15, section 3314, subsection 7 to clarify the juvenile court's inherent contempt power as a court of record to enforce either a disposition ordered following an adjudication for a juvenile crime or to enforce any order requiring the appearance of a juvenile before the court. The amendment specifies that after notice and hearing and in accordance with the Maine Rules of Civil Procedure, Rule 66 the court may exercise its inherent contempt power by way of a plenary contempt proceeding involving punitive sanctions, accompanied or unaccompanied by remedial sanctions, to enforce the disposition ordered following an adjudication for a juvenile crime or to enforce any order requiring the appearance of a juvenile before the court. Any confinement imposed as a punitive or remedial sanction upon a person who has not attained 18 years of age may not exceed 30 days and must be served in a facility approved or operated by the Department of Corrections exclusively for juveniles. To enforce the disposition ordered following an adjudication for a juvenile crime upon a person who has not attained 18 years of age, the court shall, at the time of the disposition, provide written notice to the juvenile of the court's authority to enforce the dispositional order through an exercise of its inherent contempt power and that a contempt order could include an order of confinement for up to 30 days as a punitive sanction and for up to 30 days as a remedial sanction. Nothing in this subsection affects the court's ability to exercise its contempt powers for persons who have attained 18 years of age.
4. It specifies that a person who has turned 18 years of age and is subject to the court's contempt powers that include a sanction of confinement under Title 15, section 3314, subsection 7 may be sentenced to serve that term of confinement in an adult section of a jail or other secure detention facility intended or primarily used for the detention of adults.
5. It strikes those sections of the bill that allow the court to suspend licenses or permits to operate for up to 6 months for juveniles adjudicated of illegal possession or consumption of liquor.
6. It adds a new section that adds a cross-reference to Title 15, section 3314, subsection 7.
7. It adds 2 new sections that add to the purposes of the Long Creek Youth Development Center and the Mountain View Youth Development Center the confinement of juveniles ordered confined pursuant to Title 15, section 3314, subsection 7 of the Juvenile Code.

Enacted Law Summary

Public Law 2007, chapter 196 provides clarification of when conditions of release imposed by a juvenile community corrections officer (jcco) terminate. A conditional release ordered by the court or jcco will stay in place, if the juvenile is not prosecuted, until an informal adjustment is begun or the DA determines that no petition will be filed on a given case. It also adds a new section that amends the Maine Revised Statutes, Title 15, section 3301, subsection 6 by adding the "attorney for the State" to those a jcco must notify if the officer decides not to request the attorney for the State to file a petition. The change also amends that section to add a requirement that the attorney for the State make a final determination as to whether to file a juvenile petition within 30 days of being notified of the jcco's decision not to request that a petition be filed.

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Public Law 2007, chapter 196 amends Title 15, section 3307, subsection 2 by opening to the public a juvenile proceeding in which a petition has been filed for a juvenile crime that would constitute a Class D crime if the juvenile involved were an adult only when the juvenile has previously been adjudicated of committing a juvenile crime that would constitute a Class D or higher class crime.

Public Law 2007, chapter 196 replaces that section of the bill that enacts Title 15, section 3314, subsection 7 to clarify the juvenile court's inherent contempt power as a court of record to enforce either a disposition ordered following an adjudication for a juvenile crime or to enforce any order requiring the appearance of a juvenile before the court. Chapter 196 specifies that after notice and hearing and in accordance with the Maine Rules of Civil Procedure, Rule 66 the court may exercise its inherent contempt power by way of a plenary contempt proceeding involving punitive sanctions, accompanied or unaccompanied by remedial sanctions, to enforce the disposition ordered following an adjudication for a juvenile crime or to enforce any order requiring the appearance of a juvenile before the court. Any confinement imposed as a punitive or remedial sanction upon a person who has not attained 18 years of age may not exceed 30 days and must be served in a facility approved or operated by the Department of Corrections exclusively for juveniles. To enforce the disposition ordered following an adjudication for a juvenile crime upon a person who has not attained 18 years of age, the court shall, at the time of the disposition, provide written notice to the juvenile of the court's authority to enforce the dispositional order through an exercise of its inherent contempt power and that a contempt order could include an order of confinement for up to 30 days as a punitive sanction and for up to 30 days as a remedial sanction. Nothing in this subsection affects the court's ability to exercise its contempt powers for persons who have attained 18 years of age.

Public Law 2007, chapter 196 specifies that a person who has turned 18 years of age and is subject to the court's contempt powers that include a sanction of confinement under Title 15, section 3314, subsection 7 may be sentenced to serve that term of confinement in an adult section of a jail or other secure detention facility intended or primarily used for the detention of adults.

**LD 372 An Act To Strengthen the Crime of Gross Sexual Assault as It Pertains
to Persons Who Furnish Drugs to Victims**

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J		S-251

In order to improve the ability to prosecute certain gross sexual assaults, this bill amends the crime of gross sexual assault by adding the element of furnishing drugs or intoxicants to a victim in order to substantially impair the victim's power to appraise or control the victim's sexual acts. Currently, a prosecutor must meet a higher standard by proving that the actor employed or administered the drugs or intoxicants to the victim. The bill also specifies that an actor cannot raise as a defense to gross sexual assault that the victim voluntarily consumed or allowed the administration of the drugs or intoxicants if the victim was 14 or 15 years of age.

Committee Amendment "A" (S-251)

This amendment clarifies that the definition of "furnish" is the same as that currently in the Maine Criminal Code.

LD 372 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.

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LD 378 An Act To Ensure That County Jails Maintain the Same Formulary for Mental Health Medications as the Maine State Prison ONTP

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

This bill requires the Commissioner of Corrections to notify the county commissioners of the medications for mental illness and mental conditions included on the medication formulary of the Department of Corrections and requires the county jails to have matching formularies beginning January 1, 2008.

LD 387 An Act To Improve the Driver Education and Evaluation Programs ONTP

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

This bill amends the laws regarding the Driver Education and Evaluation Programs (DEEP). Currently, a person may bypass DEEP and go directly into treatment. This bill removes the option of seeking just treatment, so individuals who lose their licenses for operating under the influence of alcohol or other drugs would be required to attend the educational component of the DEEP, if evidence of a substance abuse problem exists, and to attend treatment, if indicated by the evaluation.

LD 408 An Act To Make the Prison Industry Program More Effective ONTP

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

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

This bill proposes to make more effective the prison industry program, where inmates learn and apply skilled trades while creating useful products for the public.

See Joint Study Order to Establish the Committee to Study the Prison Industries Program (H.P. 1334).

LD 418 An Act To Require the Collection of DNA from Persons Who Committed Felonies Prior to 1996 Who Then Reoffend by Committing Offenses for Which They Would Not Otherwise Have To Submit to a DNA Test PUBLIC 294

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARLEY	OTP-AM MAJ ONTP MIN	H-368

Current law requires persons convicted of certain crimes after January 1, 1996 to submit a biological sample for DNA testing and inclusion in Maine's DNA databank maintained by the Chief of the State Police or in the Federal Bureau of Investigation's national DNA identification index system, which allows for storage and exchange of DNA

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records submitted by state and local forensic DNA laboratories and is derived from the Combined DNA Index System.

This bill requires all persons who have been convicted in Maine at any time of murder, a Class A, B or C crime, commonly known as felonies and specified other crimes to submit a sample for DNA testing and storage. The requirement is delayed until July 1, 2008 to allow the Chief of the State Police to develop a plan to obtain and store the DNA of all those persons who are subject to this sampling requirement who still reside in Maine. The chief is required to submit that plan to the Joint Standing Committee on Criminal Justice and Public Safety, which is required to submit a bill to the Second Regular Session of the 123rd Legislature to implement the plan.

Committee Amendment "A" (H-368)

This amendment is the majority report of the Joint Standing Committee on Criminal Justice and Public Safety and replaces the bill. The amendment requires a person who commits an offense that does not currently require the person to submit a DNA sample to submit a DNA sample if that person was convicted of an offense prior to January 1, 1996 that is an offense that would require submitting a DNA sample if committed on or after that date. A person who fails to submit a DNA sample after receiving notice from the Department of Public Safety, State Bureau of Identification commits a Class E crime.

Enacted Law Summary

Public Law 2007, chapter 294 requires a person who commits an offense that does not currently require the person to submit a DNA sample to submit a DNA sample if that person was convicted of an offense prior to January 1, 1996 that is an offense that would require submitting a DNA sample if committed on or after that date. A person who fails to submit a DNA sample after receiving notice from the Department of Public Safety, State Bureau of Identification commits a Class E crime.

LD 423 An Act To Ensure the Safety of the Public and of Victims of Sexual Assault CARRIED OVER

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

This bill is an emergency bill that requires the court to issue a standing criminal restraining order that applies to persons convicted of sex offenses under the Maine Revised Statutes, Title 17-A, chapters 11 and 12. The standing criminal restraining order takes effect when the defendant is released from confinement or at the time of sentencing if no confinement is ordered and continues until modified or revoked by the court for good cause shown. The order must include, but is not limited to, enjoining the defendant from residing within 10 miles of the victim's residence, within 10 miles of where the offense occurred and within 1,000 feet of a school, day care or playground if there are fewer than 30,000 residents in that community. Violation of the order is a Class D crime.

LD 423 was carried over by joint order, H.P. 1369.

LD 424 An Act To Protect Children from Dangerous Drugs, Harmful Chemicals and Drug-related Violence CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLEARY		H-124

This bill includes in the offense of "aggravated trafficking of scheduled drugs," (17-A §1105-A), trafficking in the presence of a child under 18 years. Current law aggravates the offense for trafficking with a person under 18. This

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bill also includes in the offense of "aggravated trafficking of scheduled drugs" the offense of trafficking at a residence at which a child of under 18 years of age resides and the basis for the offense is the manufacture or attempt to manufacture methamphetamine, 3, 4 - methylenedioxyamphetamine (MDMA), 3, 4 - methylenedioxyamphetamine (MDA), lysergic acid diethylamide (LSD) or fentanyl. Instead of a minimum mandatory sentence of 4 years for an aggravated trafficking offense that the current law provides, a person convicted under this new provision of manufacturing at a residence with children would be subject to a minimum 10 years of imprisonment.

Committee Amendment "A" (H-124)

This amendment establishes as an aggravating factor in the offense of "trafficking or attempting to traffick in a scheduled drug" manufacturing or an attempt to manufacture methamphetamine, 3, 4 - methylenedioxyamphetamine, 3, 4 - methylenedioxyamphetamine, lysergic acid diethylamide or fentanyl. This makes this offense a Class A crime, which is subject to the current minimum mandatory sentencing alternative of 4 years imprisonment for certain Class A drug offenses. Making the manufacturing of these drugs a Class A crime replaces the provision in the bill that would have made trafficking or attempting to traffick in a schedule W drug at a residence at which a child less than 18 years of age resides and the basis of the offense is manufacturing or an attempt to manufacture a Class A crime subject to a mandatory minimum sentence of 10 years imprisonment.

LD 424 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 446 An Act To Improve the Use of Information Regarding Sex Offenders to CARRIED OVER Better Ensure Public Safety and Awareness

Sponsor(s)

DIAMOND

Committee Report

Amendments Adopted

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

This bill proposes that the Joint Standing Committee on Criminal Justice do the following:

1. Review compliance and enforcement of sex offender registration laws and identify resources and methods to ensure that all persons required to register do register, verify and update their information as directed;
2. Using other states models for tiered risk assessment and other examples of sex offender classification to learn from, create and adopt a system of classification based on risk to be applied to each person required to register under the Sex Offender Registration and Notification Act of 1999 in order to classify sex offenders based on their risk of reoffending and the degree of likelihood that they pose a danger to the community;
3. Create and adopt processes to apply the risk assessment and evaluate its use so that due process concerns are met and each risk assessment analysis provides useful information to those in the criminal justice system and others who receive that information;
4. Educate and support law enforcement so that they can use the sex offender risk assessment information to best inform the public and better ensure public safety; and
5. Review the current list of registerable sex offenses and determine if changes to the current Maine sex offender registry and to the Maine sex offender registry website should be made.

LD 446 was carried over by joint order, H.P. 1369.

Joint Standing Committee on Criminal Justice and Public Safety

LD 514 An Act To Protect Community Safety by Amending Maine's Bail Code

PUBLIC 374

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM	S-198

This bill adds to the factors that a judicial officer must consider before allowing the pretrial release of a defendant on personal recognizance or an unsecured appearance bond the determination that the defendant's release will not compromise the safety of the community.

Committee Amendment "A" (S-198)

The amendment makes the following substantive changes to the Maine Bail Code.

1. It amends the definition of "bail" in the preconviction context for crimes bailable as of right to include the imposition of conditions, in accordance with the Maine Revised Statutes, Title 15, section 1026, designed to ensure the safety of others in the community. The bill attempted to accomplish this change but did not capture all necessary provisions.
2. It conforms the language and structure of the parallel definitions of preconviction and post-conviction bail.
3. It adds a definition for the phrase "ensure the safety of others in the community."
4. It amends the standards for release for a crime bailable as of right preconviction in Title 15, section 1026 to require a judicial officer to consider, in addition to the appearance of the defendant at the time and place required and the integrity of the judicial process, both the defendant's potential for engaging in new criminal conduct and the defendant's potential danger to a specific person or to persons in the community generally. The addition of these 2 considerations in Title 15, section 1026 does not change the underlying fact that a judicial officer is without authority to deny bail relative to a crime bailable as of right preconviction except following a revocation of preconviction bail pursuant to Title 15, section 1094. More specifically, in the context of consideration by a judicial officer as to the defendant's potential dangerousness, Title 15, section 1026 does not allow for "preventative detention." Instead, section 1026 allows a judicial officer to impose one or more bail conditions determined by the officer to be reasonably necessary to ensure community safety.
5. It precludes, in the context of a crime bailable as of right, a judicial officer from imposing a financial condition that, either alone or in combination with other conditions of bail, is in excess of that reasonably necessary to ensure that the defendant will refrain from any new criminal conduct or to ensure the safety of others in the community.
6. It adds to the factors to be considered in the release decision for a crime bailable as of right preconviction "any evidence that the defendant poses a danger to the safety of others in the community."
7. It removes the reference to "history of dangerousness" in Title 15, sections 1027 and 1051 relating to crimes bailable only as a matter of discretion preconviction and post-conviction bail since that factor is now expressly listed in Title 15, section 1026.
8. It adds "ensuring the safety of others in the community" to Title 15, section 1097 relating to setting bail following a revocation of preconviction bail.

Enacted Law Summary

Public Law 2007, chapter 374 adds to the factors that a judicial officer must consider before allowing the pretrial release of a defendant on personal recognizance or an unsecured appearance bond the determination that the

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defendant's release will not compromise the safety of the community. Specifically, Public Law 2007, chapter 374 makes the following substantive changes to the Maine Bail Code.

1. It amends the definition of "bail" in the preconviction context for crimes bailable as of right to include the imposition of conditions, in accordance with the Maine Revised Statutes, Title 15, section 1026, designed to ensure the safety of others in the community.
2. It conforms the language and structure of the parallel definitions of preconviction and post-conviction bail.
3. It adds a definition for the phrase "ensure the safety of others in the community."
4. It amends the standards for release for a crime bailable as of right preconviction in Title 15, section 1026 to require a judicial officer to consider, in addition to the appearance of the defendant at the time and place required and the integrity of the judicial process, both the defendant's potential for engaging in new criminal conduct and the defendant's potential danger to a specific person or to persons in the community generally. The addition of these 2 considerations in Title 15, section 1026 does not change the underlying fact that a judicial officer is without authority to deny bail relative to a crime bailable as of right preconviction except following a revocation of preconviction bail pursuant to Title 15, section 1094. More specifically, in the context of consideration by a judicial officer as to the defendant's potential dangerousness, Title 15, section 1026 does not allow for "preventative detention." Instead, section 1026 allows a judicial officer to impose one or more bail conditions determined by the officer to be reasonably necessary to ensure community safety.
5. It precludes, in the context of a crime bailable as of right, a judicial officer from imposing a financial condition that, either alone or in combination with other conditions of bail, is in excess of that reasonably necessary to ensure that the defendant will refrain from any new criminal conduct or to ensure the safety of others in the community.
6. It adds to the factors to be considered in the release decision for a crime bailable as of right preconviction "any evidence that the defendant poses a danger to the safety of others in the community."
7. It removes the reference to "history of dangerousness" in Title 15, sections 1027 and 1051 relating to crimes bailable only as a matter of discretion preconviction and post-conviction bail since that factor is now expressly listed in Title 15, section 1026.
8. It adds "ensuring the safety of others in the community" to Title 15, section 1097 relating to setting bail following a revocation of preconviction bail.

LD 517 Resolve, To Promote Public Safety by Establishing a Multiple-OUI Registry

ONTP

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

This resolve requires the Secretary of State to create and maintain an online registry accessible to the public that lists the names, dates of birth and municipalities of residence and includes photographs of people convicted of a second or subsequent OUI and requires the information to remain on the registry for the period of time that their licenses are suspended for that offense.

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LD 518 An Act To Protect Children in Public Schools by Notifying All School Personnel of Sex Offenders Residing, Working or Attending School in the School District

ONTP

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

This bill expands notification requirements to schools and families regarding persons convicted of sex offenses. The bill requires that a law enforcement agency notify the superintendent of a school in a school district where a registered offender is residing, working or attending school. Upon receipt of that information, notwithstanding any confidentiality laws, the superintendent shall provide that information to all teachers and other school personnel. The bill also requires that a superintendent provide notice of any adjudication for a juvenile crime that if committed by an adult would be gross sexual assault to all parents and guardians of students enrolled in the same school as the adjudicated juvenile.

LD 521 An Act To Amend the Laws Relating to Juveniles

PUBLIC 96

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANLEY S MCCORMICK	OTP-AM	H-73

This bill amends the laws relating to juveniles as follows.

1. Sections 1 and 4 substitute the term "confinement" for "detention" in several provisions that were inadvertently overlooked in legislation passed in the last legislative session, which clarified that the term "detention" should be used only when a juvenile is being held pending court proceedings.
2. Section 2 provides that when a juvenile detainee or juvenile held in nonsecure custody is being transported or is held in a court holding area, there must be the same sight and sound separation from adults as when the juvenile is in a county jail. This ensures compliance with the Office of Juvenile Justice and Delinquency Prevention Act.
3. Section 3 repeals the provision establishing community resolution teams as a means of informal adjustment of juvenile offenses. The repeal of this would not preclude alternative strategies to be used by law enforcement at the local level.
4. Section 5 clarifies the provision referring to the dispositional alternative of up to 30 days' confinement in a juvenile facility. The repealed language refers to the dispositional alternative of long term indeterminate commitment, which is different than short term confinement.
5. Section 6 corrects the cross-references to adult probation revocation provisions in light of the changes made to those provisions in the last legislative session.
6. Section 7 addresses the issue of a juvenile who receives a suspended order of commitment to a juvenile facility and commits a probation violation shortly before the end of the commitment period by requiring that a court revoking probation ensure that the juvenile receives a commitment of at least one year.
7. Section 8 expands the crime of criminal restraint by parent to cover a parent who removes a child under 18 years of age from state custody.

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Committee Amendment "A" (H-73)

This amendment strikes section 7 from the bill, which raised constitutional issues, as it would have required that a juvenile who receives a suspended order of commitment to a juvenile facility and commits a probation violation shortly before the end of the commitment period be required to receive a commitment of at least one year. The amendment also amends section 8 of the bill by redrafting the crime of criminal restraint by a parent to add a new Class D form of the crime that addresses criminal restraint by a noncustodial parent of a child either 16 or 17 years of age whose lawful custodian is the Department of Corrections or the Department of Health and Human Services. The amendment also makes additional technical drafting changes to the Maine Revised Statutes, Title 17-A, section 303.

Enacted Law Summary

Public Law 2007, chapter 96 makes the following changes to the juvenile laws.

The term "confinement" is substituted for "detention" in several provisions that were inadvertently overlooked in legislation passed in the last legislative session, which clarified that the term "detention" should be used only when a juvenile is being held pending court proceedings.

The law provides that when a juvenile detainee or juvenile held in nonsecure custody is being transported or is held in a court holding area, there must be the same sight and sound separation from adults as when the juvenile is in a county jail. This ensures compliance with the Office of Juvenile Justice and Delinquency Prevention Act.

Public Law 2007, chapter 96 repeals the provision establishing community resolution teams as a means of informal adjustment of juvenile offenses. The repeal of this would not preclude alternative strategies to be used by law enforcement at the local level.

It also clarifies the provision referring to the dispositional alternative of up to 30 days' confinement in a juvenile facility. The repealed language refers to the dispositional alternative of long term indeterminate commitment, which is different than short term confinement.

Public Law 2007, chapter 96 corrects the cross-references to adult probation revocation provisions in light of the changes made to those provisions in the last legislative session.

It expands the crime of criminal restraint by parent to add a new Class D form of the crime that addresses criminal restraint by a noncustodial parent of a child either 16 or 17 years of age whose lawful custodian is the Department of Corrections or the Department of Health and Human Services.

LD 577 An Act Concerning the Transport of Inmates in the Custody of the Sheriff

ONTP

Sponsor(s)
PLUMMER

Committee Report
ONTP

Amendments Adopted

This bill clarifies that a county sheriff's custody and charge of prisoners includes the authority to transport a prisoner to and from a court if that prisoner's presence is required in the court.

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**LD 604 An Act To Clarify the Confirmation Process of the Director of the
Maine Emergency Management Agency**

**PUBLIC 3
EMERGENCY**

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

This bill corrects an omission in the law concerning the appointment of the Director of the Maine Emergency Management Agency by adding that the director must be confirmed by the Legislature. This bill was not referred to the Criminal Justice and Public Safety Committee.

Enacted Law Summary

Public Law 2007, chapter 3 corrects an omission in the law concerning the appointment of the Director of the Maine Emergency Management Agency by adding that the director must be confirmed by the Legislature.

Public Law 2007, chapter 3 was an emergency measure effective February 14, 2007.

LD 606 An Act To Protect Licensed Pawnbrokers

ONTP

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

This bill prohibits a law enforcement officer from seizing suspected stolen property from a pawnbroker without a warrant. A law enforcement officer who suspects that a pawnbroker is in possession of stolen property must show the pawnbroker the police report describing the stolen property, ask the pawnbroker to place the property on hold, return with a warrant that describes the property and upon seizure of the property give the pawnbroker a copy of the warrant and a receipt for the property along with a statement that the property will be held for determination by the court as to ownership.

LD 613 An Act To Protect Children from Sexual Predators

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CANAVAN BRYANT B	ONTP	

This bill requires that a judicial officer must determine before ordering a pretrial release of a defendant for a crime bailable as of right preconviction whether the release will compromise the public safety. Therefore, a person with a conviction for a sexual offense would not be released if the judicial officer determined the person would compromise public safety if released.

See LD 514, "An Act to Protect Community Safety by Amending Maine's Bail Code," now Public Law 2007, chapter 374, which incorporates completely the public safety aspect into the determination of preconviction bail.

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LD 673 An Act To Address the Issue of Drive-offs from Service Stations

ONTP

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

This bill creates a new civil violation (traffic infraction) in the motor vehicle statutes (Title 29-A) for which a person is subject to a fine of not less than \$50 and not more than \$500. A person commits the new violation if the person places motor fuel in a vehicle at a retail fuel outlet and leaves without paying for the fuel.

LD 676 An Act To Implement the Recommendations of the Task Force To Study Maine's Homeland Security Needs

**PUBLIC 462
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ ONTP MIN	S-106 S-352 ROTUNDO

This emergency bill is the recommendation of the Task Force to Study Maine's Homeland Security Needs. The bill proposes to do the following.

1. It specifies that the crisis response plan that each school unit administration must develop and approve annually includes an all-hazards emergency plan component that must be approved by local emergency response officials or other local public safety officials. The bill directs the school board to review and update the plan regularly and implement training and drills for staff, students and parents. The Commissioner of Education may withhold state subsidy from those schools that fail to meet these requirements.
2. It requires the Homeland Security Advisory Council, beginning January 15, 2008 and annually thereafter, to report to the joint standing committee of the legislature having jurisdiction over criminal justice and public safety matters regarding homeland security training and communications exercises and other homeland security initiatives and issues.
3. It specifies that local health officers must be qualified by education, training or experience in the field of public health or a combination as determined by standards set through the adoption of major substantive rules by the Department of Health and Human Services, Maine Center for Disease Control and Prevention by January 1, 2008. A person employed as a local health officer before January 1, 2008 who is not qualified by education, training or experience must meet qualification standards no later than June 1, 2008. On or after June 1, 2008, a person may not be appointed and employed as a local health officer unless that person is qualified pursuant to department standards.
4. It specifies that the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency shall adopt major substantive rules regarding the process for the expenditure of funds from the Disaster Relief Fund.
5. It amends the disaster emergency plan requirements for municipal, county and regional emergency management agencies by requiring each plan to include provisions to ensure the sheltering of pets, continuous medical care of persons transferred in an emergency and methods to identify and provide transportation to those who will need transportation in an emergency situation. The bill directs the Maine Emergency Management Agency to work with communities on these issues and to report to the Joint Standing Committee on Criminal Justice and Public Safety by July 1, 2007 with recommendations for additional changes. The Joint Standing Committee on Criminal Justice and Public Safety, upon receiving the reports, may submit implementing legislation to the Second Regular Session of the 123rd Legislature.

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6. It specifies that persons who have been certified by the Department of Labor, Bureau of Rehabilitation Services, Division of Deafness as being deaf or hard-of-hearing and have an income of less than 135% of the federal poverty level must receive a wireless communications device or 2-way pager and the monthly service for that device or pager without charge. A company required to provide the service without charge is entitled to recover monthly service charge amounts from the Communications Equipment Fund. The Bureau of Rehabilitation Services shall adopt rules to establish the process for certifying eligibility with the Division of Deafness and for the process to be used by wireless and paging companies in recovering monthly service charge amounts from the Communications Equipment Fund.

7. It creates an annual fee structure for payment by municipal and private dam owners to support dam inspection, maintenance and repair.

8. It requires the Director of the Maine Center for Disease Control and Prevention, within the Department of Health and Human Services in conjunction with the Public Health Work Group and other stakeholders and interested parties, to further study and set standards by major substantive rulemaking for local health officer qualifications and redefine the local health officer's role, including updating related statutes to clarify that role. The director shall report these proposed standards, recommendations and any necessary legislation to the Homeland Security Advisory Council and the Joint Standing Committee on Health and Human Services by June 1, 2007. Qualification standards must be set by rule by January 1, 2008.

9. It requires the Public Health Work Group to report any recommendations to the Homeland Security Advisory Council and to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Criminal Justice and Public Safety regarding the following initiatives:

A. Development of a strong local health officer system that is able to function independently of the Maine Center for Disease Control and Prevention, if necessary, during an emergency and that supports the county-based emergency management agency and homeland security counterparts;

B. Development of training of, support of and links between local health officers to ensure that each of the county emergency management agencies has a competent local health liaison, including clarification of local health officers in emergency preparedness and response and recovery;

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C. Implementation of pilot projects at the county or multicounty level to establish official health agencies, to serve as the official public health liaisons during emergencies and to provide an official boundary of local government jurisdiction in the public health arena;

D. Certification of all local law enforcement officers to act as deputy county sheriffs during emergencies and authorization to counties to assume jurisdiction and permit official delegation of public health functions from municipal to county levels; and

E. Adoption and implementation of the National Public Health Performance Standards established by the United States Department of Health and Human Services, Centers for Disease Control and Prevention and standards of the National Association of County and City Health Officials for ensuring the competency of individuals and agencies.

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10. It directs the Director of the Maine Emergency Management Agency, in cooperation with the Maine Developmental Disabilities Council and the Public Utilities Commission, to develop and implement a plan, including funding, to provide a statewide disability indicator system to allow individuals with disabilities and special health needs to provide a code identifying special assistance needed in an emergency. The director shall report regarding the implementation of the plan and shall identify any necessary implementing legislation to the Joint Standing Committee on Criminal Justice and Public Safety by July 1, 2007.

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11. It directs the Director of the Maine Emergency Management Agency, in cooperation with the Chief Information Officer and the Statewide Radio Network Board, to seek and coordinate information from fire chiefs across the State identifying those facilities in each chief's community that pose radio communications challenges and, after a standardized risk assessment, are identified as having high potential for high vulnerability in an emergency event. The director shall report findings and recommendations, including any necessary legislation, to the Joint Standing Committee on Criminal Justice and Public Safety by September 1, 2007.

12. It directs the Director of the Maine Emergency Management Agency, in cooperation with the Department of Professional and Financial Regulation and the Department of Environmental Protection, to research the public safety factors involved in determining whether fuel tanks should be attached to buildings in order to withstand high winds and flooding and whether all fuel tanks should have emergency shut-off valves. The director shall report findings and recommendations, including any necessary legislation, to the Homeland Security Advisory Council by September 1, 2007.

13. It includes an appropriations and allocations section to implement initiatives to provide funding for 6 rain gauges to be installed on rivers in York and Cumberland counties, to establish 2 positions to support the Dam Safety Program and to establish 2 positions to support Maine's Fusion Center, which is designed to facilitate communication among local, state and federal law enforcement agencies regarding intelligence information and analysis.

Committee Amendment "A" (S-106)

This amendment is the majority report of the Joint Standing Committee on Criminal Justice and Public Safety and does the following.

1. It strikes section 1 of the bill regarding comprehensive emergency management plans, as the issue is addressed in LD 222, "An Act To Ensure the Integrity of School Crisis Response Plans."

2. It specifies that local health officers must be qualified by education, training or experience in the field of public health or a combination as determined by standards set through the adoption of major substantive rules by the Department of Health and Human Services, Maine Center for Disease Control and Prevention by June 1, 2008. A person employed as a local health officer before June 1, 2008 who is not qualified by education, training or experience must meet qualification standards no later than June 1, 2009.

3. Instead of creating statutory mandates for the adoption of policies in each of these areas, it directs the Maine Emergency Management Agency to continue to work with communities to develop plans for ensuring sheltering of pets, to ensure continuous medical care of persons transferred in emergencies and to ensure identification of persons who need transportation in an emergency and to report to the Joint Standing Committee on Criminal Justice and Public Safety by January 1, 2008 with recommendations including legislative changes, if necessary.

4. It strikes provisions specifying that persons who have been certified by the Department of Labor, Bureau of Rehabilitation Services, Division of Deafness as being deaf or hard-of-hearing and have an income of less than 135% of the federal poverty level must receive a wireless communications device or 2-way pager and the monthly service for that device or pager without charge. This issue is referred for review to the Joint Standing Committee on Utilities and Energy.

5. It strikes provisions creating an annual fee structure for payment by municipal and private dam owners to support dam inspection, maintenance and repair.

6. It amends provisions dealing with rulemaking and establishing standards for local health officers by allowing the Director of the Maine Center for Disease Control and Prevention more time to establish and adopt major substantive rules.

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7. It changes the time by which the Director of the Maine Emergency Management Agency, in cooperation with the Maine Developmental Disabilities Council and the Public Utilities Commission, must develop and implement a plan, including funding, to provide a statewide disability indicator system to allow individuals with disabilities and special health needs to provide a means for identifying special assistance needed in an emergency. The director shall report regarding the implementation of the plan and shall identify any necessary implementing legislation to the Joint Standing Committee on Criminal Justice and Public Safety by January 1, 2008.

8. It changes the time by which the Director of the Maine Emergency Management Agency, in cooperation with the Chief Information Officer and the Statewide Radio Network Board, must seek and coordinate information from fire chiefs across the State identifying those facilities in each chief's community that pose radio communications challenges and, after a standardized risk assessment, are identified as having high potential for high vulnerability in an emergency event. The director shall report findings and recommendations, including any necessary legislation, to the Joint Standing Committee on Criminal Justice and Public Safety by January 1, 2008.

9. It changes the time by which the Director of the Maine Emergency Management Agency, in cooperation with the Department of Professional and Financial Regulation and the Department of Environmental Protection, must research the public safety factors involved in determining whether fuel tanks should be attached to buildings in order to withstand high winds and flooding and whether all fuel tanks should have emergency shut-off valves. The director shall report findings and recommendations, including any necessary legislation, to the Homeland Security Advisory Council by January 1, 2008.

10. It includes an appropriations and allocations section to implement an initiative to provide funding for 6 stream gauges to be installed on rivers in York and Cumberland counties and strikes appropriations and allocations that established 2 positions to support the Dam Safety Program and 2 positions to support Maine's Fusion Center, some of which are in LD 499, "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009."

11. It amends Public Law 2005, chapter 634, section 21 by specifying that the Department of Education shall ask a school district whether it plans to use its school as a public community shelter after site approval and before concept approval.

Senate Amendment "A" (S-352)

This amendment removes the appropriations and allocations section.

Enacted Law Summary

Public Law 2007, chapter 462 implements the recommendations of the Task Force to Study Maine's Homeland Security Needs. Specifically, it specifies that local health officers must be qualified by education, training or experience in the field of public health or a combination as determined by standards set through the adoption of major substantive rules by the Department of Health and Human Services, Maine Center for Disease Control and Prevention by June 1, 2008. A person employed as a local health officer before June 1, 2008 who is not qualified by education, training or experience must meet qualification standards no later than June 1, 2009.

Public Law 2007, chapter 462 amends provisions dealing with rulemaking and establishing standards for local health officers by allowing the Director of the Maine Center for Disease Control and Prevention more time to establish and adopt major substantive rules.

Public Law 2007, chapter 462 directs the Maine Emergency Management Agency to continue to work with communities to develop plans for ensuring sheltering of pets, to ensure continuous medical care of persons transferred in emergencies and to ensure identification of persons who need transportation in an emergency and to report to the Joint Standing Committee on Criminal Justice and Public Safety by January 1, 2008 with

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recommendations including legislative changes, if necessary.

Public Law 2007, chapter 462 directs the Director of the Maine Emergency Management Agency, in cooperation with the Maine Developmental Disabilities Council and the Public Utilities Commission to develop and implement a plan, including funding, to provide a statewide disability indicator system to allow individuals with disabilities and special health needs to provide a means for identifying special assistance needed in an emergency. The director shall report regarding the implementation of the plan and shall identify any necessary implementing legislation to the Joint Standing Committee on Criminal Justice and Public Safety by January 1, 2008.

Public Law 2007, chapter 462 directs the Director of the Maine Emergency Management Agency, in cooperation with the Chief Information Officer and the Statewide Radio Network Board, to seek and coordinate information from fire chiefs across the State identifying those facilities in each chief's community that pose radio communications challenges and, after a standardized risk assessment, are identified as having high potential for high vulnerability in an emergency event. The director shall report findings and recommendations, including any necessary legislation, to the Joint Standing Committee on Criminal Justice and Public Safety by January 1, 2008.

Public Law 2007, chapter 462 directs the Director of the Maine Emergency Management Agency, in cooperation with the Department of Professional and Financial Regulation and the Department of Environmental Protection, to research the public safety factors involved in determining whether fuel tanks should be attached to buildings in order to withstand high winds and flooding and whether all fuel tanks should have emergency shut-off valves. The director shall report findings and recommendations, including any necessary legislation, to the Homeland Security Advisory Council by January 1, 2008.

Public Law 2007, chapter 462 also amends Public Law 2005, chapter 634, section 21 by specifying that the Department of Education shall ask a school district whether it plans to use its school as a public community shelter after site approval and before concept approval.

Public Law 2007, chapter 462 was enacted as an emergency measure effective June 29, 2007.

LD 696 An Act To Require Credentials for Amateur Radio Emergency Communications Volunteers

ONTP

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

This bill includes registered emergency communications volunteers among those individuals that the Maine Emergency Management Agency may employ to assist with emergency management activities. This bill creates a definition for emergency communications volunteer that requires volunteers to meet certain requirements before they may receive a valid identification card from the agency. This bill also directs the Director of the Maine Emergency Management Agency to adopt rules to implement a state radio amateur civil emergency services plan in accordance with Federal Communications Commission and Federal Emergency Management Agency guidelines. It also requires the director to adopt rules governing registration requirement levels for emergency communications volunteers.

LD 697 An Act To Amend the Laws Relating to Department of Corrections Facilities

PUBLIC 102

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY DIAMOND	OTP-AM	H-125

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This bill amends the laws relating to the Department of Corrections facilities as follows.

Sections 1 and 2 of bill add to the Maine Criminal Code provisions defining gross sexual assault and unlawful sexual contact to include sexual conduct with any of the following when the actor has supervisory or disciplinary authority of one of the following: a sex offender on supervised release, a prisoner on supervised community confinement or a juvenile on community reintegration status.

Section 3 allows prisoners who work more than 8 hours in a day to have the excess hours credited toward another day for purposes of receiving "earned good time" if permitted by the Commissioner of Corrections or the sheriff of the county jail.

Sections 4 and 5 provide that the Commissioner of Corrections may access records, including the records of detained persons, as part of the inspection process for county and municipal detention facilities.

Section 6 allows Department of Corrections investigative officers to issue administrative subpoenas if authorized to do so by the Commissioner of Corrections and the Attorney General.

Section 7 makes clear that "gate money" given to a prisoner by the Department of Corrections upon release is not subject to victim restitution, facility disciplinary restitution or facility monetary sanctions.

Sections 8 and 9 make clear that prisoners who are admitted to a Department of Health and Human Services psychiatric hospital from a Department of Corrections facility may not receive a privilege at the hospital while still in legal custody of the Department of Corrections facility.

Committee Amendment "A" (H-125)

This amendment makes several changes to the bill. It clarifies that the records that the Commissioner of Corrections may access for inspections include records of committed as well as detained persons. It amends 2 provisions that were inadvertently left out of the bill that add to the Maine Criminal Code provisions defining gross sexual assault and unlawful sexual contact to include sexual conduct with a sex offender on supervised release, a prisoner on supervised community confinement or a juvenile on community reintegration status when the actor has supervisory or disciplinary authority over that person. Finally, the amendment clarifies that it is the Commissioner of Corrections who determines whether a person may receive a privilege under the Maine Revised Statutes, Title 34-A, section 3069.

Enacted Law Summary

Public Law 2007, chapter 102 amends the laws relating to the Department of Corrections as follows.

It adds to the Maine Criminal Code provisions defining gross sexual assault and unlawful sexual contact to include sexual conduct with any of the following when the actor has supervisory or disciplinary authority of one of the following: a sex offender on supervised release, a prisoner on supervised community confinement or a juvenile on community reintegration status.

It allows prisoners who work more than 8 hours in a day to have the excess hours credited toward another day for purposes of receiving "earned good time" if permitted by the Commissioner of Corrections or the sheriff of the county jail.

It provides that the Commissioner of Corrections may access records, including the records of detained and committed persons, as part of the inspection process for county and municipal detention facilities.

It allows Department of Corrections investigative officers to issue administrative subpoenas if authorized to do so by the Commissioner of Corrections and the Attorney General.

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It clarifies that "gate money" given to a prisoner by the Department of Corrections upon release is not subject to victim restitution, facility disciplinary restitution or facility monetary sanctions.

It clarifies that prisoners who are admitted to a Department of Health and Human Services psychiatric hospital from a Department of Corrections facility may not receive a privilege at the hospital while still in legal custody of the Department of Corrections and clarifies that it is the Commissioner of Corrections who determines whether a person may receive a privilege under the Maine Revised Statutes, Title 34-A, section 3069.

LD 720 An Act To Clarify What Constitutes a Schedule W Drug

PUBLIC 55

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A	OTP	

This bill clarifies current drug law by specifying that a compound, mixture or preparation that contains a narcotic drug is considered a narcotic drug for purposes of classification as a Schedule W drug and determining the class of crime for possession of that drug, either in its pure form or as a compound, mixture or preparation.

Enacted Law Summary

Public Law 2007, chapter 55 clarifies current drug law by specifying that a compound, mixture or preparation that contains a narcotic drug is considered a narcotic drug for purposes of classification as a Schedule W drug and determining the class of crime for possession of that drug, either in its pure form or as a compound, mixture or preparation.

LD 769 An Act To Establish the Missing Senior Citizen Alert Program

**DIED BETWEEN
HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL BRANNIGAN	ONTP MAJ OTP-AM MIN	

This bill establishes the Missing Senior Citizen Alert Program, which establishes within the Department of Public Safety a clearinghouse or central repository of information related to missing senior citizens. For purposes of the bill a "missing senior citizen" is defined as a person 60 years of age or older whose temporary or permanent residence is or is believed to be in Maine, whose location is not determined and whose disappearance poses a credible threat to the safety and health of that person as determined by a local law enforcement agency. The Commissioner of the Department of Public Safety shall appoint a director to supervise the clearinghouse and shall establish services appropriate to aid in the location of missing senior citizens. Law enforcement agencies shall submit reports they receive regarding missing senior citizens to the clearinghouse, and family members or legal guardians may submit reports of missing senior citizens to the clearinghouse. The commissioner shall adopt routine technical rules to implement this new program.

Committee Amendment "A" (H-196)

This amendment is the minority report of the Joint Standing Committee on Criminal Justice and Public Safety and replaces the bill. The amendment expands the missing senior citizens alert program created in the bill to include persons with disabilities who have impaired mental conditions. The amendment maintains all the features of the program as created in the bill, except that the clearinghouse director position is eliminated and the list of persons who may submit a missing persons report under the program is expanded to include the missing person's agent under a health care power of attorney and the person's health care provider. The amendment also adds a mandate preamble.

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This amendment was not adopted.

House Amendment "A" (H-218)

This amendment removes the mandate preamble from the committee amendment by making the reporting by local law enforcement agencies permissive rather than mandatory.

This amendment was not adopted.

LD 778 An Act To Enhance the Qualifications for a Concealed Firearms Permit

ONTP

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

Section 1 of the bill requires all new applicants for concealed firearms permits, and Section 2 requires all renewing concealed firearms permit holders to show documentation that they have completed a firearms safety course that includes relevant state and federal law, basic defensive marksmanship, gun safety, civic responsibility, appropriate conduct while carrying a firearm and the moral and ethical issues surrounding the potential use of firearms as a means of self-defense.

Section 1 of the bill also removes current exemptions to the existing handgun safety course requirement for an applicant or holder of a concealed firearms permit who can personally demonstrate knowledge of the subject matter of the handgun course requirements and a person who received basic firearms training as a member of the Armed Forces of the United States. Applicants and permit holders who qualify for a permit under these 2 exemptions would have to take the new firearms safety course.

Section 3 of the bill directs the Department of Public Safety to adopt rules to establish requirements with specific components for a 6-hour instruction course in firearms safety.

LD 815 An Act To Amend the Laws Governing the Establishment of Residency for Convicted Sex Offenders after Release from Prison

ONTP

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

This bill makes it a Class D crime for a person convicted of a sex offense under the Maine Revised Statutes, Title 17-A, chapter 11 or 12 to intentionally or knowingly establish or maintain a residence or domicile in a municipality that does not have its own police department or other resident law enforcement agency or officer.

This bill also prohibits the Commissioner of Corrections from using any Department of Corrections funds or resources or any other state funds or resources to pay housing costs for a person who has been convicted and sentenced for an offense under Title 17-A, chapter 11 or 12.

See 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."

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LD 832 Resolve, Directing the Department of Public Safety To Convene a Working Group To Review the Functioning of College and University Law Enforcement Departments ONTP

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

This bill directs the Department of Public Safety to convene a working group to review the functioning of college and university law enforcement departments. Specifically, the working group is directed to examine the roles, responsibilities, jurisdiction and benefits of such law enforcement departments. The department is directed to report the results of the study to the Joint Standing Committee on Criminal Justice and Public Safety by January 30, 2008.

LD 856 An Act To Reduce Drunk Driving CARRIED OVER

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

This bill allows the Secretary of State to reinstate the license of a person convicted of more than one violation of the operating under the influence laws if the person installs an approved ignition interlock device. An ignition interlock device is a device that connects a breath analyzer to a motor vehicle's ignition system. The analyzer monitors the concentration of alcohol in the breath of any person who attempts to start the motor vehicle by using the ignition system. The device prevents the vehicle from starting unless the person provides a breath sample with a concentration of alcohol that is below a preset level.

This bill was carried over by joint order, H.P. 1369.

LD 864 An Act To Protect Local Police Departments ONTP

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

This bill requires each law enforcement officer, upon completion of the officer's basic training requirement, to contract to perform at least one year of employment with the municipality, county, State or other nonfederal employer that first hired the law enforcement officer.

LD 886 An Act To Clarify Certain Laws Related to Fire Safety PUBLIC 82

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RINES BARTLETT	OTP	

Section 1 of the bill clarifies that a person who violates laws applicable to dance facilities commits a Class E crime. The penalty language in this provision is archaic; when incarceration is specified as a sentencing alternative, the offense should be classified as a crime.

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Section 2 of the bill requires that incident reports be submitted by municipal fire officials to the State Fire Marshal that are consistent with a national fire incident reporting system. This reporting requirement includes that the municipal fire officials record a report of each response made, whether there was a fire or not.

Section 3 of the bill changes the term "residential-custodial care facilities" to "residential board and care occupancies" for the purposes of clarification and accuracy and to be consistent with other rules adopted by the Office of the Fire Marshal.

Enacted Law Summary

Public Law 2007, chapter 82 clarifies that a person who violates laws applicable to dance facilities commits a Class E crime. The penalty language in this provision is archaic; when incarceration is specified as a sentencing alternative, the offense should be classified as a crime. Public Law 2007, chapter 82 requires that incident reports be submitted by municipal fire officials to the State Fire Marshal that are consistent with a national fire incident reporting system. This reporting requirement includes that the municipal fire officials record a report of each response made, whether there was a fire or not. Public Law 2007, chapter 82 also changes the term "residential-custodial care facilities" to "residential board and care occupancies" for the purposes of clarification and accuracy and to be consistent with other rules adopted by the Office of the Fire Marshal.

LD 907 An Act To Ensure the Safety of Facilities Dispensing Flammable Liquids

PUBLIC 182

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL	OTP-AM	H-213

The bill requires that a permit be obtained from the Department of Public Safety prior to installing, constructing or establishing any flammable liquid dispensing facility. This permitting requirement currently applies to above ground flammable liquid storage facilities. Facilities that currently exist and dispense flammable liquids would also need to apply for a permit under the requirements of the bill.

Committee Amendment "A" (H-213)

This amendment replaces the bill, which required that a person obtain a permit from the Commissioner of Public Safety before installing, constructing or establishing any flammable liquid dispensing facility, and instead applies to a retail motor fuel facility dispensing flammable liquids. These requirements do not apply to the dispensing of propane and natural gas, which is regulated by the Department of Professional and Financial Regulation.

Enacted Law Summary

Public Law 2007, chapter 182 requires that before installing, constructing or establishing a retail motor fuel facility that dispenses flammable liquids, a person obtain a permit from the Commissioner of Public Safety. This permitting requirement does not apply to the dispensing of propane and natural gas, which is regulated by the Department of Professional and Financial Regulation. These requirements are not retroactive, and the Criminal Justice and Public Safety Committee has asked that the Office of the Fire Marshal and the Maine Oil Dealers Association work cooperatively to identify where existing flammable liquid dispensing facilities are located.

LD 908 An Act To Ensure Safety at Motor Vehicle Events

ONTP

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

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This bill makes the laws applicable to motor racing events also applicable to motor vehicle events, which are activities in which a motor vehicle is operated or displayed for the entertainment of an audience.

LD 946 An Act To Prevent Smoke Detector Tampering

ONTP

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

This bill amends current law regarding smoke detectors by making tampering with a smoke detector a Class D crime with a fine of not more than \$1,500. Current law makes tampering with a smoke detector a civil violation subject to a fine of not more than \$500. The court may also waive that fine if the violation is corrected within 10 days of the issuance of the complaint.

LD 949 An Act To Amend the Laws Concerning Public Fighting

ONTP

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

Under current law, a person who engages in public fighting is guilty of disorderly conduct if such behavior causes annoyance to others. This bill removes the requirement that such behavior must cause annoyance to others and provides instead that a person is guilty of disorderly conduct if, in a public place, that person engages in fighting without being licensed or privileged to do so.

LD 950 An Act To Amend the Endangering the Welfare of a Child Laws

ONTP

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

This bill makes endangering the health, safety or welfare of a child who is under 6 years of age by violating a duty of care or protection a Class C crime. This bill makes the law on child endangerment consistent with other Maine criminal statutes by increasing the penalties for crimes against children who are under 6 years of age. (See "assault", Title 17-A, section 207 and "abandonment of a child", Title 17-A, section 553.)

LD 966 An Act To Make Part 1 of the Maine Criminal Code Gender-neutral

PUBLIC 173

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-187

This bill is submitted by the Criminal Law Advisory Committee. The bill amends Part 1 (General Principles) of the Maine Criminal Code to make it gender-neutral.

Committee Amendment "A" (H-187)

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The amendment strikes sections from the bill that pertain to defenses to maintain the current statutory language, "defendant."

Enacted Law Summary

Public Law 2007, chapter 173 was submitted by the Criminal Law Advisory Committee. It amends Part 1 (General Principles) of the Maine Criminal Code to make it gender-neutral.

LD 992 *Resolve, To Increase Highway Safety by Establishing a Dangerous Driver Hotline* **ONTP**

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

This resolve directs the Department of Public Safety to establish, maintain and advertise a toll-free telephone number, of preferably 3 digits, that a person may call to report a dangerous driver.

LD 997 *An Act Imposing Increased Responsibility for Registered Owners of Motor Vehicles* **ONTP**

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

This bill establishes a presumption that a person who is a registered owner of a vehicle at the time the vehicle is involved in a violation of the laws requiring a person to stop a vehicle at the request of a law enforcement officer (Title 29-A, section 2414) commits a traffic infraction. This bill mirrors the law for passing a stopped school bus, including the same owner defenses.

LD 1000 *An Act To Increase Firearm Safety on College Campuses* **ACCEPTED ONTP REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO	ONTP MAJ OTP MIN	

This bill authorizes all public colleges and universities to regulate the possession of firearms on their campuses. Current law, Title 25, section 2001 specifies that only the State has authority to regulate firearms, with the exception of municipal discharge ordinances.

LD 1031 *An Act To Amend the Fingerprinting Law* **ONTP**

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

This bill changes the law requiring that the Maine State Police take the fingerprints of applicants to a school system by allowing the applicant's municipal law enforcement agency or county sheriff to take the fingerprints and send

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them on to the State Bureau of Identification.

LD 1039 Resolve, Directing the Maine Criminal Justice Academy Board of Trustees To Develop and Implement Law Enforcement Training Regarding the Determination of the Predominant Aggressor in Domestic Violence Situations

RESOLVE 98

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON STRIMLING	OTP-AM	H-461

Current law requires law enforcement agencies to adopt written policies regarding procedures dealing with the domestic violence, including at a minimum a process to ensure notice to a victim of a defendant's release from jail, a process for the collection of information regarding the defendant's history and a process to relay that information to a bail commissioner before a bail determination is made and a process for the safe retrieval of personal property belonging to the victim or defendant. This bill adds one more element to the written policies for domestic violence by requiring adoption of a written policy that contains a process to evaluate and determine who is the predominant physical aggressor in a domestic violence situation.

Committee Amendment "A" (H-461)

This amendment replaces the bill with a resolve. The resolve directs the Board of Trustees of the Maine Criminal Justice Academy to establish and implement training regarding the determination of predominant aggressors in domestic violence situations for law enforcement officers no later than June 30, 2008. The resolve also directs the board of trustees to report its progress regarding this effort to the Joint Standing Committee on Criminal Justice and Public Safety no later than April 1, 2008.

Enacted Law Summary

Resolve 2007, chapter 98 directs the Board of Trustees of the Maine Criminal Justice Academy to establish and implement training regarding the determination of predominant aggressors in domestic violence situations for law enforcement officers no later than June 30, 2008. The resolve also directs the board of trustees to report its progress regarding this effort to the Joint Standing Committee on Criminal Justice and Public Safety no later than April 1, 2008.

LD 1078 An Act To Amend the OUI Laws Regarding the Use of Immunoassays

ONTP

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

This bill amends the motor vehicle laws concerning the evidentiary rules that govern immunoassay detection tests for drug levels of a driver.

LD 1085 An Act To Improve the Laws Concerning the Management by Law Enforcement Agencies of Unclaimed, Lost or Stolen Personal Property

ONTP

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

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This bill provides law enforcement agencies greater latitude and discretion in how they manage unclaimed, abandoned, lost or stolen personal property in their respective custodies. The bill decreases the amount of time an owner is allowed to claim abandoned, lost or stolen property and allows a law enforcement agency to advertise its possession of such property on its publicly accessible website rather than in a newspaper. The bill also allows law enforcement agencies to donate such property to charity or dispose of the property as waste as alternatives to holding a sale of the property at a public auction.

LD 1111 An Act To Protect Children by Requiring Trigger Locks on Handguns

ONTP

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

This bill prohibits firearm dealers from selling handguns unless the guns are equipped with trigger locks.

LD 1127 An Act To Decriminalize Certain Actions BY REQUEST

ONTP

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

Notwithstanding the current crime of trespass, this bill creates a civil trespass, which is a violation when the trespasser poses no threat or danger and gives no resistance to law enforcement officials. In such cases, a fine of \$100 or community service work may be imposed. The bill also creates a new crime of civil disobedience, which, notwithstanding the crime of obstructing government administration (Title 17-A, section 751), is when a person for political purposes actively refuses to obey certain laws, demands and commands of a government without resorting to physical violence. This bill makes civil disobedience a Class E crime but limits its potential sentencing alternatives to only a fine of \$100 or community service work. A Class E crime may otherwise be punishable by sentencing alternatives including up to 6 months imprisonment, up to \$1,000 in fines, deferred disposition and administrative release.

LD 1166 An Act To Reduce the OUI Limit to .06

ONTP

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

This bill reduces the blood-alcohol limit that determines operating under the influence from 0.08% to 0.06%.

LD 1183 An Act To Clarify Public Safety Laws Regarding the Disclosure of Information and the Storage of Evidence, To Reauthorize the United States Secret Service To Enforce Certain State Laws and To Allow Designees To Serve on the Maine Communications System Policy Board

PUBLIC 209

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY	OTP-AM	H-264

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This bill does the following.

1. It establishes the state of mind that must accompany the disclosure of confidential information regarding E-9-1-1 calls or recordings in order for such disclosure to be a crime.
2. It makes the law regarding the place at which forensic examination kits are to be stored reflective of and consistent with actual storage practices.
3. It updates references to federal agencies to reflect their placement into the Department of Homeland Security.
4. It renews until July 1, 2009 the authority previously granted to the United States Secret Service of the Department of Homeland Security to enforce laws of the State. The authority previously granted to that agency was repealed on July 1, 2004.
5. It authorizes a designee of the Commissioner of Public Safety, a designee of the Chief of the State Police and a designee of the Chief Information Officer to serve in place of the commissioner, chief or Chief Information Officer, respectively, on the Maine Communications System Policy Board.

Committee Amendment "A" (H-264)

This amendment removes the sunset provision from sections in the bill related to the authority of the United States Secret Service of the Department of Homeland Security to enforce the laws of the State. The amendment also clarifies in the provisions related to evidence storage that the investigating agency shall take possession of forensic examination kits in cases involving gross sexual assault.

Enacted Law Summary

LD 2007, chapter 209 does the following.

1. It establishes the state of mind that must accompany the disclosure of confidential information regarding E-9-1-1 calls or recordings in order for such disclosure to be a crime.
2. It makes the law regarding the place at which forensic examination kits are to be stored reflective of and consistent with actual storage practices and clarifies in the provisions related to evidence storage that the investigating agency shall take possession of forensic examination kits in cases involving gross sexual assault.
3. It updates references to federal agencies to reflect their placement into the Department of Homeland Security.
4. It renews indefinitely the authority previously granted to the United States Secret Service of the Department of Homeland Security to enforce laws of the State. The authority previously granted to that agency was repealed on July 1, 2004.
5. It authorizes a designee of the Commissioner of Public Safety, a designee of the Chief of the State Police and a designee of the Chief Information Officer to serve in place of the commissioner, chief or Chief Information Officer, respectively, on the Maine Communications System Policy Board.

LD 1197 Resolve, To Prepare for any Statewide or Regional Emergency

**ACCEPTED ONTP
REPORT**

Sponsor(s)
MARRACHE

Committee Report
ONTP MAJ
OTP MIN

Amendments Adopted

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	

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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

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pregnant person to the juvenile crimes for which the juvenile has the burden of proof with respect to the finding of appropriateness required by the "bind over" statute.

Sections 6 and 7 of the bill amend Title 15, sections 3304 and 3314-B by replacing an outdated reference to Rule 42 of the Maine Rules of Criminal Procedure with a reference to Rule 66 of the Maine Rules of Civil Procedure.

Section 8 of the bill allows a law enforcement officer to make a warrantless arrest of any person who the officer has probable cause to believe has committed or is committing a violation of a requirement of administrative release when requested to do so by the attorney for the State.

Section 9 of the bill amends Title 17-A, section 32 to indicate that it is the State's burden to prove each element of the crime charged beyond a reasonable doubt.

Section 10 of the bill eliminates the current precondition for a conviction for a crime for which recklessness or criminal negligence suffices that the State, in addition to proving beyond a reasonable doubt that the person's belief is unreasonable, prove beyond a reasonable doubt that the person's holding of that belief "when viewed in light of the nature and purpose of the person's conduct and the circumstances known to the person, is grossly deviant from what a reasonable and prudent person would believe in the same situation."

Section 11 of the bill adds for purposes of completeness in Title 17-A, section 351 a reference to a "complaint" in the second sentence. (A prosecution is commenced whenever a criminal complaint is filed, an indictment is returned or an information is filed (following waiver of an indictment) per Title 17-A, section 8, subsection 6, paragraph B.)

Sections 12 and 13 of the bill elevate the crime of theft by extortion to a Class B crime if the value of the property stolen is more than \$10,000, which is consistent with other crimes of theft.

Sections 14-23 of the bill add to the 4 basic Class D forms of home repair fraud 2 aggravated forms of each based on the pecuniary loss suffered by the victim as a result of the fraud. If the loss is more than \$10,000, the basic crime is elevated to Class B. If the loss is more than \$1,000 but not more than \$10,000, the basic crime is elevated to Class C. These changes are consistent with current penalties for other forms of theft.

Section 24 of the bill removes the current directive in Title 17-A, section 908, subsection 2 that the trial court rather than the jury determine the materiality question. Since whether a fact relating to the terms of the agreement or contract is material is an element of the crime of home repair fraud, a defendant has the constitutional right to have the jury rather than the trial court determine the question of materiality.

Section 25 of the bill clarifies the requirement that a victim's address be kept confidential. It provides a general rule of confidentiality. It allows victim address information to be disclosed to state, criminal justice, juvenile justice and victim services agencies in limited circumstances and to other persons or agencies upon request of the victim. It allows criminal justice personnel and the court to disclose such information upon victim request as part of a court order restricting contact with the victim, or when the defendant already knows that victim's current address or location. It allows an attorney for the State to withhold such information upon a good faith belief that disclosure may compromise victim safety. It prohibits disclosure of a victim request for notice of the defendant's release except as required to carry out the request. The bill protects the confidentiality of victim information but does not prevent access to the information required for the administration of the criminal justice system, juvenile justice system or provision of victim services.

Sections 26-28 of the bill allow a person convicted of the Class E crime of nonsupport of dependents to be placed on probation under the supervision of the Department of Health and Human Services for a period extending to the time when the youngest dependent attains 18 years of age.

Committee Amendment "A" (H-479)

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This amendment strikes from the bill the language that 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 the Maine Revised Statutes, Title 15, section 103. Once having fully served the term of imprisonment or unsuspended portion of a split sentence, the person would have had to commence the commitment ordered notwithstanding being on conditional release.

The amendment also strikes from the bill the language that directs that, while a person is imprisoned in execution of the punishment described in Title 15, 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.

The amendment repeals the last paragraph of Title 15, section 2115 because its substance, with modification, is best addressed in Title 4, section 51 since it relates to the concurrence required by the Law Court.

LD 1240 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 1241 An Act To Provide Uniform Treatment of Prior Convictions in the Maine Criminal Code

CARRIED OVER

Sponsor(s)

Committee Report

Amendments Adopted

H-314

This bill is proposed by the Criminal Law Advisory Commission.

1. Section 1 adds a definition for "another jurisdiction" in subsection 3-B of section 2 of the Maine Criminal Code, so that this term has consistent meaning throughout the code. "Another jurisdiction" means the Federal Government, the United States military, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, the Passamaquoddy Tribe and the Penobscot Nation when a tribe has acted pursuant to the Maine Revised Statutes, Title 30, section 6209-A, subsection 1, paragraph A or B and Title 30, section 6209-B, subsection 1, paragraph A or B, respectively. "Another jurisdiction" does not include any foreign country. The bill also amends various crimes and sentencing provisions by replacing inconsistent terminology with the new term "another jurisdiction."

2. Without modifying either the number of prior convictions currently required or the currently qualifying Maine convictions, the bill amends various crimes and sentencing provisions so that prior convictions uniformly include both the specifically identified Maine convictions as well as convictions for engaging in substantially similar conduct in another jurisdiction.

3. The bill replaces in numerous Title 17-A, chapter 45 drug provisions "convicted of an offense under this chapter punishable by a term of imprisonment of more than one year" with "one or more prior convictions for a Class A, B or C offense under this chapter" to clarify that the qualifying Maine chapter 45 convictions include Class C crimes. The bill also replaces in numerous chapter 45 provisions "convicted of an offense under any law of the United States, of another state or of a foreign country relating to scheduled drugs, as defined by this chapter, and punishable by a term of imprisonment of more than one year" with "convicted of engaging in substantially similar conduct to that of the Class A, B or C offenses under this chapter or another jurisdiction."

LD 1241 was carried over by joint order, H.P. 1369 after being removed from the Special Appropriations Table and

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recommitted to the Committee on Criminal Justice and Public Safety.

Committee Amendment "A" (H-314)

This amendment removes and replaces a bill section to reflect a change to the law already made this session.

LD 1241 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 1290 An Act To Enhance Enforcement of Public Health Measures

PUBLIC 359

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLER	OTP-AM	H-521

This bill establishes the Class D crime of intentionally, knowingly or recklessly violating a public health measure or prescribed care order during a period of declared extreme public health emergency. In addition, this bill permits a warrantless arrest of a person who an officer has probable cause to believe is committing or has committed a violation of a public health measure or prescribed care order. The bill amends the discharge provision for those committed to a facility for treatment in public health measure situations by adding references to the review process for treatment orders by the department (Title 22, section 813) and by the court in extreme public health emergencies (Title 22, section 820). LD 1290 creates a new provision in Title 30-A, section 1560 (removal for disease) regarding transportation and medical care for a prisoner subject to a public health measure order, which specifies that that a sheriff may transport the prisoner outside the State for medical care if ordered by the court. The Department of Health and Human Services would pay for the costs of transportation and compensation to the officers.

Committee Amendment "A" (H-521)

This amendment deletes sections 1 and 2 of the bill. The amendment authorizes the issuance of an arrest warrant by the Superior Court in the event of a violation of a public health measure or prescribed care order. Transportation of persons detained or committed to county jails or correctional facilities to out-of-state treatment facilities pursuant to court order is authorized. The amendment also requires the Department of Health and Human Services, in consultation with the Department of Public Safety, the Maine Emergency Management Agency, the Office of the Attorney General, the Criminal Law Advisory Commission and the Maine Sheriffs' Association, to evaluate present procedures for placing persons in violation of public health orders into custody, to review the feasibility of establishing an in-state or out-of-state secure residential treatment facility for persons determined to pose imminent significant public health risks, to evaluate methods to improve the execution of arrest warrants for persons determined to be in violation of court public health measures and court and departmental orders for prescribed care and to report its findings and recommendations to the Joint Standing Committee on Criminal Justice no later than January 31, 2008. Upon receipt of the recommendations, the Joint Standing Committee on Criminal Justice and Public Safety may submit implementing legislation if necessary.

Enacted Law Summary

Public Law 2007, chapter 359 authorizes the issuance of an arrest warrant by the Superior Court in the event of a violation of a public health measure or prescribed care order. Transportation of persons detained or committed to county jails or correctional facilities to out-of-state treatment facilities pursuant to court order is authorized. The amendment also requires the Department of Health and Human Services, in consultation with the Department of Public Safety, the Maine Emergency Management Agency, the Office of the Attorney General, the Criminal Law Advisory Commission and the Maine Sheriffs' Association, to evaluate present procedures for placing persons in violation of public health orders into custody, to review the feasibility of establishing an in-state or out-of-state secure residential treatment facility for persons determined to pose imminent significant public health risks, to evaluate methods to improve the execution of arrest warrants for persons determined to be in violation of court public health measures and court and departmental orders for prescribed care and to report its findings and

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recommendations to the Joint Standing Committee on Criminal Justice no later than January 31, 2008. Upon receipt of the recommendations, the Joint Standing Committee on Criminal Justice and Public Safety may submit implementing legislation if necessary.

LD 1291 Resolve, To Create the Commission To Aid Municipalities in Consolidating Public Safety Organizations **ONTP**

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

This resolve establishes the Commission to Aid Municipalities in Consolidating Public Safety Organizations to study ways to implement the consolidation of municipal public safety organizations into regional public safety organizations.

LD 1321 Resolve, To Require the Office of Program Evaluation and Government Accountability To Provide Audit and Oversight Services Regarding Medical and Dental Services Provided in the County Jails and State Prisons **ONTP**

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

This resolve requires the Office of Program Evaluation and Government Accountability to provide audit and oversight services regarding medical and dental services provided in the county jails and the state prison system and report its findings to the Joint Standing Committee on State and Local Government in the Second Regular Session of the 123rd Legislature.

The committee did not pass this bill, as the Office of Program Evaluation and Government Accountability plans to study the adult criminal justice system's resources pursuant to its Biennial Work Plan.

LD 1323 Resolve, To Require the Department of Public Safety To Determine the Requirements for Regional Firefighters Concerning Assisting Other Municipalities **ONTP**

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

This resolve directs the Department of Public Safety to study, and report to the Legislature with suggested legislation concerning, the issue of firefighters who respond to fires outside their municipality. The report will consider what risks and liabilities are faced by the firefighters and the municipalities and include legislation to protect the parties and encourage the sharing of resources in firefighting in rural areas of the State.

The committee did not pass this bill but has requested that the Office of the Fire Marshal continue to work with fire departments to ensure all departments have written mutual aid agreements that specify liability coverage.

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**LD 1326 An Act To Increase Civil Penalties for Violations of Fire Code Laws
Applicable to Fire Escape Installment and Maintenance**

PUBLIC 258

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL	OTP	

This bill provides that a person, firm or organization that violates the law pertaining to the installment and maintenance of fire escapes commits a civil violation for which a fine of not more than \$500 may be assessed.

Enacted Law Summary

Public Law 2007, chapter 258 provides that a person, firm or organization that violates the law pertaining to the installment and maintenance of fire escapes commits a civil violation for which a fine of not more than \$500 may be assessed.

LD 1332 An Act Regarding Tobacco Products in Jails

ONTP

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

This bill changes the offense of trafficking of tobacco in adult correctional facilities from a Class E crime to a civil violation.

**LD 1351 An Act To Promote Postsecondary Education Opportunities for
Juveniles under the Care of the Department of Corrections**

ONTP

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

This bill makes ongoing appropriations of \$5,000 annually to the Long Creek Youth Development Center and the Mountain View Youth Development Center in the State to provide postsecondary education opportunities to juveniles residing in those facilities. The bill gives the Commissioner of Corrections authority to administer the program and to pay for courses and related expenses for qualifying juveniles and direction to adopt routine technical rules.

LD 1384 An Act To Rename and Specifically Identify Sex Crimes

ONTP

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

This bill changes the name of 2 sex crimes from "gross sexual assault" and "sexual abuse of a minor" to "rape" and "child molestation." The bill also requires the Department of Public Safety, State Bureau of Identification to distribute information contained in the sex offender registry to town clerks of towns that do not have police departments. The bill also requires a law enforcement agency to notify the bureau by e-mail if the law enforcement agency has a registrant in its custody.

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LD 1391 An Act To Focus the Use of the Sex Offender Registry Website on the Most Dangerous Offenders

ONTP

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

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

This bill proposes to delete from the sex offender registry website those registered sex offenders who pose little or no risk of reoffending to the community. While remaining in compliance with the requirements of registration and notification imposed by federal law, this bill proposes to review and remove if possible from the website the following registrants:

1. A registrant who committed a Class A crime requiring registration who has not been convicted of committing another crime against a person for a period of at least 20 years after release from incarceration;
2. A registrant who committed a Class B crime requiring registration who has not been convicted of committing another crime against a person for a period of at least 15 years;
3. A registrant who committed a Class C crime requiring registration who has not been convicted of committing another crime against a person for a period of at least 10 years; and
4. A registrant who committed a Class D crime requiring registration who has not been convicted of committing another crime against a person for a period of at least 5 years.

The bill also proposes that the Commissioner of Public Safety, in consultation with an advisory group that must include representatives of the Joint Standing Committee on Criminal Justice and Public Safety, the Maine Prosecutors Association, the Attorney General, the Department of Corrections and the Maine Civil Liberties Union, shall create a classification system based on risk to be applied to each person required to register under the Sex Offender Registration and Notification Act of 1999 in order to identify sex offenders based on their risk of reoffending and the degree of likelihood that they pose a danger to the community. The level of risk must be listed on the website in the case of moderate-risk and high-risk offenders. Low-risk offenders will be removed from the website.

See carry over bill, LD 446, "An Act to Improve the Use of Information Regarding Sex Offenders to Better Ensure Public Safety and Awareness."

LD 1405 An Act To Amend the Laws Governing the Lawful Possession of Certain Scheduled Drugs

ONTP

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

This bill requires that a person be given 24 hours to produce a valid prescription for a scheduled drug or controlled substance before being charged with unlawful possession of that scheduled drug or controlled substance.

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LD 1411 An Act To Amend the Auto Impoundment and Forfeiture Laws

ONTP

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

This bill authorizes a law enforcement agency or officer to immobilize a motor vehicle with a wheel clamp or other immobilization device as part of the impoundment procedure when a driver has been arrested for an OUI or driving while under license suspension for OUI and requires the driver to pay any immobilization fee before regaining possession of the motor vehicle.

LD 1425 An Act To Facilitate the Reporting of the Crime of Acquiring Drugs by Deception

PUBLIC 382

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKANE	OTP-AM	H-462

This bill permits and provides immunity for the good faith reporting of the crime of acquiring drugs by deception by a prescribing health care provider, or a person acting under the direction or supervision of a prescribing health care provider, to a law enforcement official.

Committee Amendment "A" (H-462)

This amendment expands the ability of a prescribing health care provider, or a person acting under the direction or supervision of a prescribing health care provider, to report with immunity if the provider or person knows or has reasonable cause to believe that a person is committing deception or has committed deception as specified in the bill. The amendment also changes "law enforcement official" to "law enforcement officer." Finally, the amendment amends another section of law to be consistent with the changes made in the bill.

Enacted Law Summary

Public Law 2007, chapter 382 provides immunity for the good faith reporting to a law enforcement official by a prescribing health care provider, or a person acting under the direction or supervision of a prescribing health care provider, of the crime of acquiring drugs by deception.

LD 1449 An Act To Provide Outreach and Training on Dementia-related Protocols for Law Enforcement Officers

ONTP

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

Under this bill, the Commissioner of Public Safety will convene a task force consisting of representatives of public safety agencies to aid in the development of procedures and protocols to be used to ensure timely, effective and consistent responses by law enforcement personnel when persons who are cognitively impaired, including persons with Alzheimer's disease or other dementia-related conditions, wander off or become missing. The bill further directs the commissioner to provide outreach and training programs to law enforcement officers on those protocols and procedures.

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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

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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.

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LD 1512 An Act To Change the Statute of Limitations for Gross Sexual Assault by a Juvenile

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT		H-590 GERZOFSKY S-203

Current law provides no statute of limitations for the prosecution of the juvenile crimes of gross sexual assault and unlawful sexual contact if the victim was under 16 years of age and the juvenile accused of the crime was at least 16 years of age, if the State can present DNA evidence regarding the offense. If the accused juvenile is under 16 years of age, the prosecution must be brought within 6 years after it is committed. This bill extends the statute of limitations to 12 years when the victim was under 16, the juvenile crime was unlawful sexual contact or gross sexual assault and the accused juvenile was under 16 years of age at the time of the crime, even if the State cannot present DNA evidence.

LD 1512 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.

Committee Amendment "A" (S-203)

This amendment is the majority report of the committee. The amendment extends the statute of limitations to 10 instead of 12 years as proposed in the bill when the victim was under 16 years of age, the juvenile crime was unlawful sexual contact or gross sexual assault and the accused juvenile was under 16 years of age at the time of the crime, regardless if DNA evidence is available.

The amendment also adds an application section to specify that this change in the statute of limitations applies only to juvenile crimes committed on or after the effective date of the bill and to juvenile crimes for which the prosecution has not yet been barred by the previous statute of limitations in force on the effective date of the bill.

House Amendment "A" (H-590)

This amendment changes the statute of limitations to 10 years, as done in Committee Amendment "A," but restricts the application to juvenile crimes of gross sexual assault and unlawful sexual contact, except for Title 17-A, section 255-A, paragraph A.

LD 1533 An Act Regarding the Violation of Bail

ONTP

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

This bill amends the bail code by requiring that a person who fails to appear when required or violates a condition of bail commits a civil violation for which a fine of \$100 must be adjudged. This bill also requires that a person who violates bail, before being released on subsequent bail, must spend at least 24 hours in custody for a first violation, 48 hours in custody for a second violation and 72 hours in custody for a third violation of bail for the same underlying offense. A person who violates bail on the same underlying offense at least 4 times must be held without bail.

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LD 1534 An Act To Examine the Types of Sex Offenses That Require an Offender To Register with the State

ONTP

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

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

This bill proposes to examine, review and amend the Sex Offender Registration and Notification Act of 1999 so that it requires registration for only those sex offenses that threaten public safety. The bill would include removal from the registry of persons convicted of sex offenses that are consensual sexual acts committed between persons who are close in age. The bill also would remove certain sex offenders from the registry after 5 years if certain conditions are met.

See LD 446, "An Act to Improve the Use of Information Regarding Sex Offenders to Better Ensure Public Safety and Awareness," which was carried over.

LD 1589 An Act To Prohibit the Use of Opposite-gender Bathrooms, Changing Rooms and Locker Rooms

ONTP

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

This bill makes it a Class E crime when a person enters a public locker room, changing room or bathroom facility designated for use by a gender other than the gender of that person at birth, except for a person who has undergone a medical procedure to change that person's gender, who then is required to use the facilities for the person's new gender. This bill also makes it a Class C crime when a person required to register under the Sex Offender Registration and Notification Act of 1999 alters or attempts to alter that person's appearance to enter a public locker room, changing room or bathroom facility designated for use by a gender other than the gender of that person at birth.

LD 1605 An Act To Protect School Athletic Contest Officials

ONTP

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

This bill amends the current assault statute by creating a new provision that notwithstanding the allowable penalty. Specifically, this bill makes assault against a school athletic contest official, including an umpire, coach or administrator, a Class C crime punishable by a fine of up to \$10,000 and imprisonment of not more than 3 years.

See H.P. 1365, Joint Resolution to Raise Awareness about Appropriate Behavior at Sporting Events and to Ensure the Safety of School Athletic Contest Officials, Players, Coaches and Fans.

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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

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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

Sponsor(s)

SIMPSON

Committee Report

ONTP

Amendments Adopted

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.

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LD 1674 An Act To Amend the Habitual Offender and Felony Operating Under the Influence Laws

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND		S-83

The bill makes several changes in the laws applying to persons driving with suspended or revoked licenses or persons charged with the most serious driving offenses, such as felony operating under the influence (OUI) and manslaughter.

1. It provides that a driver charged with operating after suspension (OAS) will not be authorized to plead guilty to the court clerk without a formal court appearance, and must appear before a judge for sentencing. The judge will then impose a sentence based upon the driver's record and the circumstances of the offense.
2. It amends the Maine Revised Statutes, Title 29-A, section 2411, subsection 1-A, paragraph D in response to a recent court decision. In *State v. Dwayne B. Stevens*, 2007 ME 5, the Maine Supreme Judicial Court determined that Title 29-A, section 2411, subsection 1-A, paragraph D has a 10-year limitation on the use of prior convictions for manslaughter and Class B or C operating under the influence. To address that determination, this bill specifies that Title 17-A, section 9-A governs the use of prior convictions when determining a sentence, except that, for the purposes of the offenses in Title 29-A, section 2411, subsection 1-A, paragraph D, the date of each prior conviction may precede the commission of the offense being enhanced by more than 10 years. The section also incorporates a reference to the new Class B OUI offense enacted in 2006.
3. It increases the sentencing class in OAS for drivers whose licenses have been suspended as a result of convictions in which a death resulted: Class A manslaughter, Class B OUI and Class B OAS. Under current law the OAS offense is only a Class E crime.
4. It clarifies that a court looks back 10 years in determining whether to impose the mandatory fines applying to ordinary OAS cases.
5. It gives courts authority to revoke the driver's license as part of the sentence for an adult or juvenile manslaughter defendant. Under current law only the Secretary of State may revoke a driver's license upon a manslaughter conviction. The court will be authorized to revoke a license for at least a 5-year period, but must also notify the Secretary of State, who may revoke the license for a longer period under Title 29-A, section 2454, subsection 2.
6. It clarifies a provision that was added by Public Law 2005, chapter 606. The current language in Title 29-A, section 2557-A, subsection 1, paragraph B would subject a driver to prosecution for a Class C habitual offender offense even if the driver's previous record did not include such a conviction and the person's license is currently suspended instead of revoked as a habitual offender. The intent of the Public Law 2005, chapter 606 change was to specify that once a person is a felon, meaning the most serious habitual offender under the driving laws, the person continues to be a significant offender under those laws even when the person's license is suspended rather than revoked. The language in the bill makes this clear.
7. It rewrites the sentencing provisions of the habitual offender statute to make them consistent with the format in the aggravated operating after habitual offender revocation law added by Public Law 2005, chapter 606, while adding references to former Title 29-A, section 2557 that were inadvertently omitted from chapter 606.
8. It amends Title 29-A, sections 2557-A and 2558 to make the treatment of multiple offenses consistent with other prior conviction language. The bill adds language to each section to specify that when more than one offense or violation arises from the same incident, the offense or violations are treated as one offense.

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9. It adds a reference to Title 29-A, section 2411 in 2 portions of the aggravated habitual offender laws enacted in Public Law 2005, chapter 606. A reference to prior OUI conviction was included in one sentencing provision of chapter 606 but inadvertently omitted from other provisions.

Committee Amendment "A" (S-83)

This amendment adds an emergency preamble and emergency clause to the bill to ensure that omissions in changes to the operating after suspension and habitual offender laws enacted pursuant to Public Law 2005, chapter 606 are immediately corrected. The amendment also clarifies that the Secretary of State's authority to impose license revocation is not changed. If the court fails to revoke a license for criminal homicide or attempted criminal homicide, the Secretary of State shall impose a 5-year revocation, unless a longer revocation is imposed under the Maine Revised Statutes, Title 29-A, section 2454, subsection 2.

LD 1674 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 1706 Resolve, Establishing a Commission To Review State House and Capitol Complex Security Issues

ONTP

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

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

This resolve proposes to establish a commission to review State House and Capitol complex security issues. In conducting the review, the commission shall explore:

1. Different means of screening visitors to the Capitol complex for weapons, including but not limited to knives, firearms and objects that may be used as weapons;
2. Creative methods of enhancing the security presence in the capitol complex, including but not limited to the recruitment of experienced retired law enforcement officers;
3. Methods of facilitating continuing education opportunities for capitol complex security personnel that are specifically targeted to enhancing the performance of the duties of security personnel; and
4. The availability of creative funding for enhanced security, including but not limited to federal funds and outside funding.

LD 1728 An Act To Strengthen the Authority of Concealed Weapons Permits

PUBLIC 194

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY	OTP-AM	H-188

Section 1 of the bill requires that a person who is issued a black powder permit by the Commissioner of the Department of Public Safety reapply for that permit after 4 years. These permits are issued to persons who are otherwise prohibited from possessing firearms. This change is consistent with current practice for other firearms permits, which expire and require background checks for renewal.

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Section 2 of the bill provides a definition for "crossbow," which is not currently defined in Maine law for law enforcement purposes.

Section 3 of the bill addresses an inconsistency between State and federal law regarding qualifications to carry concealed firearms. Current law provides that only the last 5 years of a person's criminal history may be used when determining whether a person is qualified to carry a concealed firearm. This sets up a situation where a person who may be eligible for a permit in Maine may be prohibited from possessing a firearm under federal law. The bill specifies that a person may not be issued a Maine permit if the person is disqualified from possessing a firearm under state or federal law.

Committee Amendment "A" (H-188)

This amendment replaces the bill. Whereas the bill creates the definition of "crossbow," the amendment strikes that definition and removes the current language in the Maine Revised Statutes, Title 15, section 393 that prohibits the possession of a crossbow by a convicted felon until 5 years after the person is discharged from the sentence imposed. Public Law 2005, chapter 419 added "crossbow" to Title 15, chapter 15 regarding possession of firearms by a prohibited person. By removing "crossbow" from that chapter, a person convicted of a felony may own, possess or have under that person's control a crossbow without having to first apply for and receive a permit from the Commissioner of Public Safety.

The amendment retains that portion of the bill that adds language in Title 15, section 393, subsection 2 about the permit issued pursuant to the subsection being valid 4 years from the date of issue unless sooner revoked for cause by the issuing authority. The amendment also clarifies that disqualification to possess a firearm based on federal law prohibiting possession under Title 25, section 2003, subsection 1, paragraph B that appears in the bill must be based on federal criminal conviction information.

Enacted Law Summary

Public Law 2007, chapter 194 repeals the current language in the Maine Revised Statutes, Title 15, section 393 that prohibits the possession of a crossbow by a convicted felon until 5 years after the person is discharged from the sentence imposed. Public Law 2005, chapter 419 added "crossbow" to Title 15, chapter 15 regarding possession of firearms by a prohibited person. By removing "crossbow" from that chapter, a person convicted of a felony may own, possess or have under that person's control a crossbow without having to first apply for and receive a permit from the Commissioner of Public Safety.

Public Law 2007, chapter 194 adds language in Title 15, section 393, subsection 2 about the permit issued pursuant to the subsection being valid 4 years from the date of issue unless sooner revoked for cause by the issuing authority. Public Law 2007, chapter 194 also clarifies that disqualification to possess a firearm based on federal law prohibiting possession under Title 25, section 2003, subsection 1, paragraph B that appears in the bill must be based on federal criminal conviction information.

LD 1733 An Act To Provide Additional Funding for the Regional Emergency Medical Services Councils and To Establish a Study Group To Examine Funding for the Emergency Medical Services System in Maine

ONTP

Sponsor(s)

TUTTLE

Committee Report

ONTP

Amendments Adopted

This bill allocates funds on a one-time basis from the Fund for a Healthy Maine to supplement existing funding for the 6 regional emergency medical services councils. The bill also establishes a study group to develop recommendations for the funding of Maine's emergency medical services system.

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LD 1736 An Act To Amend the Laws Relating to Probation and Supervised Release for Sex Offenders and To Make Necessary Changes to the Maine Criminal Code

PUBLIC 344

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUMMER	OTP-AM	H-421

This bill amends the law relating to probation and supervised release for sex offenders as follows.

Section 1 of the bill sets out explicitly the "plead and prove" requirement that federal constitutional law requires whenever the available sentencing alternatives depend on the crime committed. This is something that the State has to do now.

Section 2 of the bill provides that if a stay of execution is given by a court on a term of imprisonment on a split sentence, the court may revoke the subsequent probation for criminal conduct committed during the stay or for failure to report as ordered. Under present law a judge is prohibited from imposing a term of imprisonment after a split sentence, so if during the stay the offender engages in new criminal conduct or fails to report, the court can only make the new sentence concurrent. This section is intended to deter new criminal conduct or the failure to report by allowing for a probation part of an original sentence to be revoked in order to allow the sentencing judge the option of making new jail time run consecutively instead of concurrently.

Section 3 clarifies that if probation is partially revoked on more than one occasion on the same sentence the periods of imprisonment imposed are successive and that a period of imprisonment imposed on a partial revocation does not commence until the initial unsuspended portion of imprisonment has been fully served. This is intended to clarify what occurs in 2 situations: 1) The offender is serving the unsuspended portion of a sentence and as a result of past behavior presently discovered or present behavior while incarcerated, a portion of the suspended sentence is being vacated; or 2) The offender's behavior while on probation results in 2 or more partial revocations of the suspended portion of the sentence. Section 3 clarifies that in both of these cases the vacated portions of the sentence that have been ordered by the court must be served successively and not concurrently, since there is only one sentence at issue.

Sections 4 and 5 make the grounds for revocation of supervised release by sex offenders the same as revocation of probation.

Section 6 is intended to allow the sentencing alternative of administrative release along with the requirement of paying a fine.

Section 7 makes an initial appearance on an administrative release revocation consistent with the time for an initial appearance for a probation revocation: within 5 days after arrest, instead of 14 days.

Section 8 authorizes probation officers to see pharmacy records of probationers and others under the officers' supervision as the result of a court order. This is the same authority granted to other law enforcement officers for offenders under their supervision.

Section 9 gives probation officers the power to arrest for obstruction of government administration those who interfere with them while they are performing their official functions.

Section 10 makes it clear that probable cause determinations for persons transferred from other jurisdictions for probation or 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.

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Committee Amendment "A" (H-421)

Because current law authorizes sentencing alternatives of both a fine and imprisonment followed by administrative release, this amendment repeals unnecessary language in the Maine Revised Statutes, Title 17-A, section 1349. The amendment also amends Title 17-A, section 1349-A, subsection 1 and section 1349-B, subsection 2 to be consistent with regard to authorizing the use of administrative release for Class C operating after habitual offender revocation and aggravated operating after habitual offender revocation. The amendment adds district attorneys to the list of those who may show pharmacy records to law enforcement officers other than those listed. Finally, the amendment strikes from the bill the provision granting probation officers the power to arrest for obstruction of government administration while they are performing their official duties.

Enacted Law Summary

Public Law 2007, chapter 344 amends the law relating to probation and supervised release for sex offenders as follows.

1. It sets out explicitly the "plead and prove" requirement that federal constitutional law requires whenever the available sentencing alternatives depend on the crime committed.
2. It provides that if a stay of execution is given by a court on a term of imprisonment on a split sentence, the court may revoke the subsequent probation for criminal conduct committed during the stay or for failure to report as ordered. Under present law a judge is prohibited from imposing a term of imprisonment after a split sentence, so if during the stay the offender engages in new criminal conduct or fails to report, the court can only make the new sentence concurrent. This section is intended to deter new criminal conduct or the failure to report by allowing for a probation part of an original sentence to be revoked in order to allow the sentencing judge the option of making new jail time run consecutively instead of concurrently.
3. It clarifies that if probation is partially revoked on more than one occasion on the same sentence the periods of imprisonment imposed are successive and that a period of imprisonment imposed on a partial revocation does not commence until the initial unsuspended portion of imprisonment has been fully served. This clarifies what occurs in 2 situations: 1) The offender is serving the unsuspended portion of a sentence and as a result of past behavior presently discovered or present behavior while incarcerated, a portion of the suspended sentence is being vacated; or 2) The offender's behavior while on probation results in 2 or more partial revocations of the suspended portion of the sentence. In both of these cases the vacated portions of the sentence that have been ordered by the court must be served successively and not concurrently, since there is only one sentence at issue.
4. It makes the grounds for revocation of supervised release by sex offenders the same as revocation of probation.
5. Because current law authorizes sentencing alternatives of both a fine and imprisonment followed by administrative release, Public Law 2007, chapter 344 repeals unnecessary language in the Maine Revised Statutes, Title 17-A, section 1349. The amendment also amends Title 17-A, section 1349-A, subsection 1 and section 1349-B, subsection 2 to be consistent with regard to authorizing the use of administrative release for Class C operating after habitual offender revocation and aggravated operating after habitual offender revocation.
6. It makes an initial appearance on an administrative release revocation consistent with the time for an initial appearance for a probation revocation: within 5 days after arrest, instead of 14 days.
7. It authorizes probation officers to see pharmacy records of probationers and others under the officers' supervision as the result of a court order. This is the same authority granted to other law enforcement officers for offenders under their supervision. Public Law 2007, chapter 344 also adds district attorneys to the list of those who may show pharmacy records to law enforcement officers other than those listed.
8. It makes clear that probable cause determinations for persons transferred from other jurisdictions for probation or

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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

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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

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

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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
ONTP MIN

H-527

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This bill includes the recommendations of the Corrections Alternatives Advisory Committee, which was established pursuant to Public Law 2005, chapter 386, Part J and extended pursuant to Public Law 2005, chapter 667. The bill proposes to do the following.

1. The bill adds to the factors that a judicial officer must consider before allowing the pretrial release of a defendant on personal recognizance or an unsecured appearance bond the determination that the defendant's release will not compromise the safety of the community.
2. This bill requires each county, or each county working jointly with another county or counties or with the Department of Corrections, to establish a criminal justice planning committee. The committees will include members from county government; representatives from law enforcement agencies, jails, the judiciary and the public; and prosecutors, defense attorneys and victim advocates. The committees' work will include coordinating efforts to educate, update and increase the use of evidence-based correctional practices.
3. The bill creates the State Sentencing and Corrections Practices Coordinating Council, whose members will include representatives from state and county corrections, county commissioners, municipalities, sheriffs, prosecutors, defense attorneys, victim services and the judiciary. The council's duties include coordinating criminal justice information and collaborating with persons who work in the criminal justice field to establish strategic goals and outcomes to guide the investment in and expenditures on corrections programs and facilities; monitoring sentencing practices; and reviewing ongoing data collection on recidivism and programming, in consultation with research organizations and universities, to make informed decisions regarding sentencing practices, corrections funding and programming. The council shall submit an annual report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters and to the Governor, and that report must include recommendations and any necessary implementing legislation. The Department of Corrections shall serve as the fiscal agent of the council and may contract for and employ staff members, subject to approval of the council, to assist in the research, administration and delivery of services required in connection with the duties of the council. The department may accept funds from the Federal Government, from any political subdivision of the State or from any individual, foundation or corporation and may expend those funds for purposes of supporting the council's work. The department shall also provide technical assistance to counties and to the criminal justice planning committees to aid them in the planning and development of community corrections.
4. Beginning July 1, 2008, the bill proposes separating the County Jail Prisoner Support and Community Corrections Fund into 2 funds, the Community Corrections Fund for the purpose of establishing and maintaining community corrections and the County Jail Prisoner Support Fund for the purpose of providing state funding for a portion of the counties' costs of the support of prisoners detained or sentenced to county jails. Beginning July 1, 2008 and annually thereafter, the department shall distribute to the counties amounts to be dedicated to the Community Corrections Fund and to the County Jail Prisoner Support Fund. The department shall distribute amounts to each county based on each county's percentage of statewide jail inmate days, which must be calculated for the last fiscal year for which data is available. If a county's percentage results in a lower subsidy than it received pursuant to the former Maine Revised Statutes, Title 34-A, section 1210-A, that county may not receive a reduction. If the county's percentage results in a subsidy higher than it received pursuant to former Title 34-A, section 1210-A, that county would receive an increase in funding in proportion to available funding to move the entire county jail system toward greater equity.
5. The bill also creates a new nonlapsing fund, the Community Corrections Incentive Fund, and the State Sentencing and Corrections Practices Coordinating Council shall approve applications and award and administer to counties competitive grants from this fund. Grants must be used for initiatives to expand community corrections, regional programs and other efforts to improve the efficiency and effectiveness of the correctional system. Awards would be made in areas such as pretrial diversion, pretrial release, transition, specialty jails, regional cooperation and deferred disposition programs. Grants must also be awarded based on considerations of improved efficiency, offender and court docket reduction, consolidation of resources, reduced recidivism and improved methods for the delivery of services.

Joint Standing Committee on Criminal Justice and Public Safety

Committee Amendment "A" (H-527)

This amendment clarifies that counties are not mandated to form criminal justice planning committees; however, when grants are available under the Community Corrections Incentive Fund, only those counties who have formed or have become part of a planning committee will be eligible to apply for such grants. The amendment also clarifies that, regardless of how a criminal justice planning committee is established or formed, a county may also collaborate with another county or counties with which it has not formed a planning committee in order to work together to seek grants or establish community corrections programs or initiatives. The amendment adds the Commissioner of Public Safety to the membership of the State Sentencing and Corrections Practices Coordinating Council and requires that the representative of a statewide municipal association on the council be nominated by the association and then appointed by the Governor. Finally, the amendment replaces the appropriations and allocations section in the bill for the Community Corrections Incentive Fund.

Enacted Law Summary

Public Law 2007, chapter 377 includes the recommendations of the Corrections Alternatives Advisory Committee, which was established pursuant to Public Law 2005, chapter 386, Part J and extended pursuant to Public Law 2005, chapter 667. Public Law 2007, chapter 377 does the following:

It encourages each county, or each county working jointly with another county or counties or with the Department of Corrections, to establish a criminal justice planning committee. Counties are not mandated to form criminal justice planning committees; however, when grants are available under the Community Corrections Incentive Fund, only those counties who have formed or have become part of a planning committee will be eligible to apply for such grants. Regardless of how a criminal justice planning committee is established or formed, a county may also collaborate with another county or counties with which it has not formed a planning committee in order to work together to seek grants or establish community corrections programs or initiatives. The committees will include members from county government; representatives from law enforcement agencies, jails, the judiciary and the public; and prosecutors, defense attorneys and victim advocates. The committees' work will include coordinating efforts to educate, update and increase the use of evidence-based correctional practices.

Public Law 2007, chapter 377 creates the State Sentencing and Corrections Practices Coordinating Council, whose members will include representatives from state and county corrections and public safety, county commissioners, municipalities, sheriffs, prosecutors, defense attorneys, victim services and the judiciary. The council's duties include coordinating criminal justice information and collaborating with persons who work in the criminal justice field to establish strategic goals and outcomes to guide the investment in and expenditures on corrections programs and facilities; monitoring sentencing practices; and reviewing ongoing data collection on recidivism and programming, in consultation with research organizations and universities, to make informed decisions regarding sentencing practices, corrections funding and programming. The council shall submit an annual report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters and to the Governor, and that report must include recommendations and any necessary implementing legislation. The Department of Corrections shall serve as the fiscal agent of the council and may contract for and employ staff members, subject to approval of the council, to assist in the research, administration and delivery of services required in connection with the duties of the council. The department may accept funds from the Federal Government, from any political subdivision of the State or from any individual, foundation or corporation and may expend those funds for purposes of supporting the council's work. The department shall also provide technical assistance to counties and to the criminal justice planning committees to aid them in the planning and development of community corrections.

Beginning July 1, 2008, Public Law 2007, chapter 377 proposes separating the County Jail Prisoner Support and Community Corrections Fund into 2 funds, the Community Corrections Fund for the purpose of establishing and maintaining community corrections and the County Jail Prisoner Support Fund for the purpose of providing state funding for a portion of the counties' costs of the support of prisoners detained or sentenced to county jails. Beginning July 1, 2008 and annually thereafter, the department shall distribute to the counties amounts to be

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dedicated to the Community Corrections Fund and to the County Jail Prisoner Support Fund. The department shall distribute amounts to each county based on each county's percentage of statewide jail inmate days, which must be calculated for the last fiscal year for which data is available. If a county's percentage results in a lower subsidy than it received pursuant to the former Maine Revised Statutes, Title 34-A, section 1210-A, that county may not receive a reduction. If the county's percentage results in a subsidy higher than it received pursuant to former Title 34-A, section 1210-A, that county would receive an increase in funding in proportion to available funding to move the entire county jail system toward greater equity.

Public Law 2007, chapter 377 also creates a new nonlapsing fund, the Community Corrections Incentive Fund, and the State Sentencing and Corrections Practices Coordinating Council shall approve applications and award and administer to counties competitive grants from this fund. Grants must be used for initiatives to expand community corrections, regional programs and other efforts to improve the efficiency and effectiveness of the correctional system. Awards would be made in areas such as pretrial diversion, pretrial release, transition, specialty jails, regional cooperation and deferred disposition programs. Grants must also be awarded based on considerations of improved efficiency, offender and court docket reduction, consolidation of resources, reduced recidivism and improved methods for the delivery of services. No money was appropriated to the fund at this time.

Public Law 2007, chapter 377 also includes in the factors that a judicial officer must consider before allowing pretrial release of a defendant on personal recognizance or an unsecured appearance bond the determination that the defendant's release will not compromise the safety of the community. See Public Law 2007, chapter 374, which incorporates this idea completely within the Maine Bail Code.

LD 1897 An Act To Allow Blended Sentencing for Certain Juveniles

CARRIED OVER

Sponsor(s)

DIAMOND

Committee Report

Amendments Adopted

S-277

In terms of incarceration as a sentencing alternative for juveniles, the Juvenile Code currently authorizes a juvenile to be adjudicated and committed to Long creek Youth Development Center or Mountain View Youth Development Center until the juvenile is 18-21 years of age. The Juvenile Code also authorizes a juvenile to be committed to an adult correctional facility if the juvenile is bound over and tried and convicted as an adult. Currently, a juvenile may not be sentenced to alternatives of incarceration involving both the juvenile system and the adult system for the same offense. With respect to the finding of appropriateness of whether a juvenile should be bound over and tried as an adult, the State has the burden of proof in all cases, except those involving a juvenile who is charged with one or more juvenile crimes that, if the juvenile were an adult, would constitute murder, attempted murder, felony murder, Class A manslaughter other than the reckless or criminally negligent operation of a motor vehicle, elevated aggravated assault, arson that recklessly endangers any person, causing a catastrophe, Class A robbery or Class A gross sexual assault in which the victim submits as a result of compulsion.

This bill requires blended sentencing for a juvenile bound over and convicted as an adult and sentenced to imprisonment if the juvenile has not attained 16 years of age at the time of sentencing and if the offense for which the juvenile was convicted is listed in the Maine Revised Statutes, Title 15, section 3101, subsection 4, paragraph C-2 as one for which the juvenile had the burden of proving a bind over was not appropriate. Blended sentencing affects only the place where imprisonment is served and means that the term of imprisonment, or, in the case of a split sentence, the unsuspended portion, imposed by the court must first be served in a Department of Corrections juvenile facility until the juvenile reaches 18 years of age or is sooner discharged from the facility and any imprisonment time remaining must then be served in a Department of Corrections adult facility.

LD 1897 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.

Joint Standing Committee on Criminal Justice and Public Safety

Committee Amendment "A" (S-277)

This amendment makes changes to account for recently enacted law.

LD 1902 An Act Requiring the State Bureau of Identification To Report Persons Found To Be a Danger to Themselves or to Others to the National Instant Criminal Background Check System

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAIRCLOTH NUTTING J		H-480

This bill establishes a procedure to prevent a person who has been found to be a danger to self or others from possessing a firearm.

This bill requires a court that commits a person involuntarily to a state mental health facility or a licensed psychologist or psychiatrist who determines a person to be a danger to self or others to report this commitment or determination to the Department of Public Safety, State Bureau of Identification. The bureau is required to forward the information to the Federal Bureau of Investigation, which operates the National Instant Criminal Background Check System.

This bill requires a person purchasing a firearm from a firearms dealer to complete an application. The dealer is required to submit the application to the Federal Bureau of Investigation for a background check. Maine law currently only requires a federally licensed firearm dealer to provide a basic firearm safety brochure and other information to the purchaser of a firearm.

A person who has been involuntarily committed to a state mental health facility or determined to be a danger to self or others may obtain a firearm only upon application to the Commissioner of Public Safety and must include with the application a certified court order or notarized statement of a licensed psychologist or psychiatrist that the person is no longer a danger to self or others.

Committee Amendment "A" (H-480)

This amendment replaces the bill and proposes a procedure to prevent possession of a firearm by a person who has been committed involuntarily to a psychiatric hospital after a commitment hearing under the Maine Revised Statutes, Title 34-B, section 3864, subsection 7 because the person was found to present a threat of substantial risk of physical harm to self, was found to present a threat of substantial risk of physical harm to others, was found not criminally responsible by reason of insanity with respect to a criminal charge or was found not competent to stand trial with respect to a criminal charge.

The amendment requires the court to report information about a person adjudicated as being a danger to self or to others to the Department of Public Safety, State Bureau of Identification, which is then required to pass the fact of disqualification on to the Federal Bureau of Investigation for use in the National Instant Criminal Background Check System. The amendment also authorizes a person who has been previously prohibited from possessing a firearm under these new prohibitions to apply to the Commissioner of Public Safety for the restoration of the right to possess a black powder rifle or any other firearm that does not fall within the definition of "firearm" under 18 United States Code, Section 921(3).

LD 1902 was carried over by joint order, H.P. 1369 after being recommitted to the Committee on Criminal Justice and Public Safety.

Joint Standing Committee on Criminal Justice and Public Safety

**LD 1910 An Act To Reestablish the Committee for the Training of Firefighters
and To Clarify the Law Governing the Maine Fire Training and
Education Program**

**DIED BETWEEN
HOUSES**

Sponsor(s)

BLISS

Committee Report

Amendments Adopted

This bill reestablishes the Committee for the Training of Firefighters, which was repealed by Public Law 1993, chapter 252. In addition, this bill clarifies that the President of Southern Maine Community College administers the Maine Fire Training and Education Program. This bill was not referred to the Criminal Justice and Public Safety Committee, and it died between the bodies.

Joint Standing Committee on Criminal Justice and Public Safety

SUBJECT INDEX

Corrections

Enacted

LD 697	An Act To Amend the Laws Relating to Department of Corrections Facilities	PUBLIC 102
LD 1895	An Act To Implement the Recommendations of the Corrections Alternatives Advisory Committee	PUBLIC 377

Not Enacted

LD 91	An Act To Provide Regulation of the Department of Corrections Telephone System by the Public Utilities Commission	ONTP
LD 408	An Act To Make the Prison Industry Program More Effective	ONTP
LD 1228	An Act To Create a Certificate of Need Process for the Construction of Correctional Facilities	ONTP
LD 1321	Resolve, To Require the Office of Program Evaluation and Government Accountability To Provide Audit and Oversight Services Regarding Medical and Dental Services Provided in the County Jails and State Prisons	ONTP
LD 1612	An Act To Reduce the Incidence of Incarceration for People with Mental Illness	ONTP

County Jails

Not Enacted

LD 32	An Act To Create a Regional Jail System BY REQUEST	ONTP
LD 67	An Act To Reduce the Cost of the Operation of County Jails	ACCEPTED ONTP REPORT
LD 329	An Act To Provide Equity in County Jail Maximum Sentences	INDEF PP
LD 378	An Act To Ensure That County Jails Maintain the Same Formulary for Mental Health Medications as the Maine State Prison	ONTP
LD 577	An Act Concerning the Transport of Inmates in the Custody of the Sheriff	ONTP

LD 632 **An Act To Reduce Maine's Property Tax Burden by Funding County
Jails BY REQUEST** **ACCEPTED ONTP
REPORT**

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

Criminal Law

Enacted

LD 246 **An Act To Protect the Solemnity and Dignity of a Funeral or Memorial
Service in Maine** **PUBLIC 144
EMERGENCY**

LD 1290 **An Act To Enhance Enforcement of Public Health Measures** **PUBLIC 359**

Not Enacted

LD 3 **An Act To Strengthen "Permissible Inference" in the Law Concerning
Dissemination of Sexually Explicit Material** **CARRIED OVER**

LD 239 **An Act To Provide a Felony Penalty for Assault on a Firefighter** **CARRIED OVER**

LD 295 **An Act To Increase the Fines for Littering** **ACCEPTED ONTP
REPORT**

LD 316 **An Act To Reduce Bomb Threats at Public Institutions and Businesses** **ONTP**

LD 606 **An Act To Protect Licensed Pawnbrokers** **ONTP**

LD 673 **An Act To Address the Issue of Drive-offs from Service Stations** **ONTP**

LD 949 **An Act To Amend the Laws Concerning Public Fighting** **ONTP**

LD 950 **An Act To Amend the Endangering the Welfare of a Child Laws** **ONTP**

LD 1127 **An Act To Decriminalize Certain Actions BY REQUEST** **ONTP**

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

LD 1332 **An Act Regarding Tobacco Products in Jails** **ONTP**

LD 1589 **An Act To Prohibit the Use of Opposite-gender Bathrooms, Changing
Rooms and Locker Rooms** **ONTP**

LD 1605 **An Act To Protect School Athletic Contest Officials** **ONTP**

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

Criminal Procedure/Bail/Sentencing

Enacted

LD 219 An Act To Use Forfeited Bail Money for the Victims of an Offender PUBLIC 31

LD 514 An Act To Protect Community Safety by Amending Maine's Bail Code PUBLIC 374

LD 966 An Act To Make Part 1 of the Maine Criminal Code Gender-neutral PUBLIC 173

Not Enacted

LD 182 An Act To Amend the Laws Governing Cases Involving the Plea or Finding of Not Criminally Responsible by Reason of Insanity ACCEPTED ONTP REPORT

LD 613 An Act To Protect Children from Sexual Predators ONTP

LD 1241 An Act To Provide Uniform Treatment of Prior Convictions in the Maine Criminal Code CARRIED OVER

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

LD 1533 An Act Regarding the Violation of Bail ONTP

Domestic Violence

Enacted

LD 1039 Resolve, Directing the Maine Criminal Justice Academy Board of Trustees To Develop and Implement Law Enforcement Training Regarding the Determination of the Predominant Aggressor in Domestic Violence Situations RESOLVE 98

LD 1627 An Act To Protect Families and Enhance Public Safety by Making Domestic Violence a Crime PUBLIC 436 EMERGENCY

Drugs

Enacted

LD 66 An Act To Prohibit the Transfer of Salvia Divinorum to Minors and To Prohibit Possession of Salvia Divinorum by Minors PUBLIC 120

LD 720 An Act To Clarify What Constitutes a Schedule W Drug PUBLIC 55

LD 1425 **An Act To Facilitate the Reporting of the Crime of Acquiring Drugs by Deception** **PUBLIC 382**

Not Enacted

LD 69 **An Act To Impose Zero Tolerance for Methamphetamine Production** **ONTP**

LD 424 **An Act To Protect Children from Dangerous Drugs, Harmful Chemicals and Drug-related Violence** **CARRIED OVER**

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

LD 1405 **An Act To Amend the Laws Governing the Lawful Possession of Certain Scheduled Drugs** **ONTP**

Juveniles

Enacted

LD 363 **An Act To Improve Juvenile Justice** **PUBLIC 196**

LD 521 **An Act To Amend the Laws Relating to Juveniles** **PUBLIC 96**

Not Enacted

LD 71 **An Act To Amend the Laws Governing the Plea of Not Criminally Responsible by Reason of Insanity in Juvenile Cases** **CARRIED OVER**

LD 1351 **An Act To Promote Postsecondary Education Opportunities for Juveniles under the Care of the Department of Corrections** **ONTP**

LD 1512 **An Act To Change the Statute of Limitations for Gross Sexual Assault by a Juvenile** **CARRIED OVER**

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

LD 1897 **An Act To Allow Blended Sentencing for Certain Juveniles** **CARRIED OVER**

Law Enforcement

Not Enacted

LD 68 **An Act To Provide a Reward for Information Regarding the Murder of a Law Enforcement Officer** **CARRIED OVER**

LD 832 **Resolve, Directing the Department of Public Safety To Convene a Working Group To Review the Functioning of College and University Law Enforcement Departments** **ONTP**

LD 864 **An Act To Protect Local Police Departments** **ONTP**

LD 1085	An Act To Improve the Laws Concerning the Management by Law Enforcement Agencies of Unclaimed, Lost or Stolen Personal Property	ONTP
LD 1449	An Act To Provide Outreach and Training on Dementia-related Protocols for Law Enforcement Officers	ONTP

Maine Emergency Management Agency

Enacted

LD 604	An Act To Clarify the Confirmation Process of the Director of the Maine Emergency Management Agency	PUBLIC 3 EMERGENCY
LD 676	An Act To Implement the Recommendations of the Task Force To Study Maine's Homeland Security Needs	PUBLIC 462 EMERGENCY

Not Enacted

LD 649	Resolve, To Ensure Pet Safety during Emergencies	ONTP
LD 696	An Act To Require Credentials for Amateur Radio Emergency Communications Volunteers	ONTP
LD 1197	Resolve, To Prepare for any Statewide or Regional Emergency	ACCEPTED ONTP REPORT

OUI/OAS/Other MV Violations

Enacted

LD 122	An Act To Amend the Authority of a Motor Vehicle Investigator	PUBLIC 12
LD 631	An Act To Strengthen OUI Laws As They Pertain to Drugs	PUBLIC 63

Not Enacted

LD 96	An Act To Require a Test for Operating under the Influence for a Driver Involved in an Accident That Caused Bodily Injury	ACCEPTED ONTP REPORT
LD 280	An Act To Make a Conviction for a 6th Operating under the Influence Charge a Class B Crime	CARRIED OVER
LD 387	An Act To Improve the Driver Education and Evaluation Programs	ONTP
LD 517	Resolve, To Promote Public Safety by Establishing a Multiple-OUI Registry	ONTP
LD 856	An Act To Reduce Drunk Driving	CARRIED OVER

LD 992	Resolve, To Increase Highway Safety by Establishing a Dangerous Driver Hotline	ONTP
LD 997	An Act Imposing Increased Responsibility for Registered Owners of Motor Vehicles	ONTP
LD 1078	An Act To Amend the OUI Laws Regarding the Use of Immunoassays	ONTP
LD 1166	An Act To Reduce the OUI Limit to .06	ONTP
LD 1206	An Act To Amend the Motor Vehicle Laws Concerning Work Licenses	ONTP
LD 1411	An Act To Amend the Auto Impoundment and Forfeiture Laws	ONTP
LD 1674	An Act To Amend the Habitual Offender and Felony Operating Under the Influence Laws	CARRIED OVER

Public Safety/Fire Safety/EMS

Enacted

LD 70	An Act Concerning Reduced Ignition Propensity Cigarettes	PUBLIC 253
LD 362	An Act To Effect the Seizure and Disposal of Contraband Fireworks	PUBLIC 81 EMERGENCY
LD 418	An Act To Require the Collection of DNA from Persons Who Committed Felonies Prior to 1996 Who Then Reoffend by Committing Offenses for Which They Would Not Otherwise Have To Submit to a DNA Test	PUBLIC 294
LD 886	An Act To Clarify Certain Laws Related to Fire Safety	PUBLIC 82
LD 907	An Act To Ensure the Safety of Facilities Dispensing Flammable Liquids	PUBLIC 182
LD 1183	An Act To Clarify Public Safety Laws Regarding the Disclosure of Information and the Storage of Evidence, To Reauthorize the United States Secret Service To Enforce Certain State Laws and To Allow Designees To Serve on the Maine Communications System Policy Board	PUBLIC 209
LD 1326	An Act To Increase Civil Penalties for Violations of Fire Code Laws Applicable to Fire Escape Installment and Maintenance	PUBLIC 258
LD 1841	An Act To Improve the Efficiency of the Maine Emergency Medical Services System	PUBLIC 274

Not Enacted

LD 238	An Act To Require Maine To Submit DNA Samples of Sex Offenders to the National DNA Registry	ONTP
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LD 769	An Act To Establish the Missing Senior Citizen Alert Program	DIED BETWEEN HOUSES
LD 908	An Act To Ensure Safety at Motor Vehicle Events	ONTP
LD 946	An Act To Prevent Smoke Detector Tampering	ONTP
LD 1031	An Act To Amend the Fingerprinting Law	ONTP
LD 1291	Resolve, To Create the Commission To Aid Municipalities in Consolidating Public Safety Organizations	ONTP
LD 1323	Resolve, To Require the Department of Public Safety To Determine the Requirements for Regional Firefighters Concerning Assisting Other Municipalities	ONTP
LD 1706	Resolve, Establishing a Commission To Review State House and Capitol Complex Security Issues	ONTP
LD 1733	An Act To Provide Additional Funding for the Regional Emergency Medical Services Councils and To Establish a Study Group To Examine Funding for the Emergency Medical Services System in Maine	ONTP
LD 1910	An Act To Reestablish the Committee for the Training of Firefighters and To Clarify the Law Governing the Maine Fire Training and Education Program	DIED BETWEEN HOUSES

Sex Offender Registration and Notification

Not Enacted

LD 192	Resolve, Directing the Department of Public Safety To Make a Map Available on the Sex Offender Registry	ONTP
LD 195	An Act To Promote the Safety of Children	ONTP
LD 294	An Act Concerning Posting the Registry of Convicted Sex Offenders	ONTP
LD 446	An Act To Improve the Use of Information Regarding Sex Offenders to Better Ensure Public Safety and Awareness	CARRIED OVER
LD 518	An Act To Protect Children in Public Schools by Notifying All School Personnel of Sex Offenders Residing, Working or Attending School in the School District	ONTP
LD 1391	An Act To Focus the Use of the Sex Offender Registry Website on the Most Dangerous Offenders	ONTP
LD 1534	An Act To Examine the Types of Sex Offenses That Require an Offender To Register with the State	ONTP

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

Sex Offenses -- Criminal

Enacted

LD 322 Resolve, To Ensure More Comprehensive Investigation and Prosecution of Computer Crimes RESOLVE 5 EMERGENCY

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

LD 1736 An Act To Amend the Laws Relating to Probation and Supervised Release for Sex Offenders and To Make Necessary Changes to the Maine Criminal Code PUBLIC 344

Not Enacted

LD 45 An Act To Place Lifetime Restraining Orders on Violent Sex Offenders and Predatory Sex Offenders ONTP

LD 46 An Act To Create Mandatory Minimum Sentences for Persons Convicted of Certain Sex Offenses against Victims under 12 Years of Age ACCEPTED REPORT A (ONTP)

LD 147 An Act To Require as a Condition of Probation for Sex Offenders the Approval of a Residence by a Probation Officer ONTP

LD 149 An Act To Take into Account the Crime Committed That Facilitated a Sexual Assault CARRIED OVER

LD 191 An Act To Prevent Certain Sex Offenders from Having Contact with Persons less than 14 Years of Age ONTP

LD 193 An Act To Restrict Access to Certain Websites by Sex Offenders ONTP

LD 220 An Act To Clarify and Expand Maine Criminal Laws Related to Sexual Assault CARRIED OVER

LD 351 An Act To Allow Municipalities To Designate Safe Zones To Protect Children from Sex Offenders ONTP

LD 372 An Act To Strengthen the Crime of Gross Sexual Assault as It Pertains to Persons Who Furnish Drugs to Victims CARRIED OVER

LD 423 An Act To Ensure the Safety of the Public and of Victims of Sexual Assault CARRIED OVER

LD 815 An Act To Amend the Laws Governing the Establishment of Residency for Convicted Sex Offenders after Release from Prison ONTP

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

LD 1384	An Act To Rename and Specifically Identify Sex Crimes	ONTP
LD 1749	An Act To Create Indeterminate Sentencing and a Forensic Review Board for Repeat Sexual Assault Offenders and Sexually Violent Offenders	ONTP
LD 1807	An Act To Provide for Civil Commitment for Sexually Violent Predators and To Prohibit Sex Offenders from Residing Together	ONTP

Weapons/Firearms/CWPs

Enacted

LD 148	Resolve, Directing the Department of Public Safety and the Attorney General To Review Other States' Concealed Weapon Reciprocity Agreements and Actively Seek Reciprocity Where Appropriate	RESOLVE 84
LD 1728	An Act To Strengthen the Authority of Concealed Weapons Permits	PUBLIC 194

Not Enacted

LD 146	An Act To Enhance Self-defense	ONTP
LD 361	An Act To Create a Waiting Period for Firearms	DIED IN CONCURRENCE
LD 778	An Act To Enhance the Qualifications for a Concealed Firearms Permit	ONTP
LD 1000	An Act To Increase Firearm Safety on College Campuses	ACCEPTED ONTP REPORT
LD 1111	An Act To Protect Children by Requiring Trigger Locks on Handguns	ONTP
LD 1902	An Act Requiring the State Bureau of Identification To Report Persons Found To Be a Danger to Themselves or to Others to the National Instant Criminal Background Check System	CARRIED OVER

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