

MAINE STATE LEGISLATURE

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L.D. 2055

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1449, L.D. 2055, Bill, "An Act To Correct Errors and Inconsistencies in the Laws of Maine"

Amend the bill by inserting after the enacting clause the following:

'PART A'

Further amend the bill by striking out sections 15 to 17.

Further amend the bill by striking out section 22.

Further amend the bill by striking out section 34.

Further amend the bill by striking out section 39.

Further amend the bill by striking out section 49.

Further amend the bill by striking out sections 64 and 65.

Further amend the bill by inserting after section 82 the following:

'PART B'

Sec. B-1. 5 MRSA §1753, sub-§4, as enacted by PL 1993, c. 606, §2, is amended to read:

COMMITTEE AMENDMENT

2 C. Each board of visitors shall appear before the joint
3 standing committee of the Legislature having jurisdiction
4 over criminal justice and public safety matters upon request.

5 D. Boards of visitors shall meet regularly and at least 4
6 times a year. At each meeting, a board of visitors may
7 request and must receive information from the chief
8 administrative officer as the board determines will assist
9 in the review of the management of the facility. To the
10 extent that a board of visitors is not discussing matters
11 made confidential by federal or state law, meetings of
12 boards are public proceedings and must be conducted in
13 accordance with Title 1, section 403. Boards of visitors
14 may meet jointly.

15 E. Each board of visitors shall share copies of that
16 board's annual report with the other boards.

17 **3. Visit to correctional facilities and communications with**
18 **clients and staff.** A member of a board of visitors may visit the
19 correctional facility to which that board is assigned and may
20 speak with clients and with staff. The member shall comply with
21 all departmental policies and procedures and facility security
22 practices regarding access to the correctional facility, shall
23 adhere to all federal and state law regarding confidentiality and
24 shall refer concerns or complaints regarding specific individuals
25 to the chief administrative officer or advocate.

26 **4. Volunteer activities.** Volunteer activities of a member
27 of a board of visitors may be proscribed by departmental policies
28 regarding volunteer activities generally.

29 **Sec. B-27. 34-A MRSA §3002,** as amended by PL 2005, c. 488,
30 §10, is repealed.

31 **Sec. B-28. 34-A MRSA §11222, sub-§1-A, ¶A,** as amended by PL
32 2005, c. 423, §14, is further amended to read:

33 A. If the registrant is sentenced to a wholly suspended
34 sentence with probation or administrative release, or to a
35 punishment alternative not involving imprisonment, the duty
36 to register is triggered at the time the person commences an
37 in actual execution of the wholly suspended sentence or at
38 the time of sentence imposition when no punishment
39 alternative involving imprisonment is imposed, unless the
40 court orders a stay of execution, in which event the duty is
41 triggered by the termination of the stay.

COMMITTEE AMENDMENT "A" to H.P. 1449, L.D. 2055

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2 Section 27 repeals the Maine Revised Statutes, Title 34-A,
3 section 3002, which was improperly repealed and replaced by
4 Public Law 2005, chapter 216. The substance of the law is
5 enacted in section 26 as Title 34-A, section 3001-A. Public Law
6 2005, chapter 488 amended Title 34-A, section 3002, subsection 4.
7 That change is incorporated into section 26.

8 Section 28 corrects a drafting error.

10 Sections 29 and 30 correct a conflict created by Public Law
11 2005, chapter 256, which amended the Maine Revised Statutes,
12 Title 34-B, section 1409, subsection 1, paragraph C by adding the
13 Homestead facility to the definition of "state institution" and
14 chapter 457, which repealed paragraph C to reflect the removal of
15 Freeport Towne Square as a state institution. These sections
16 correct the conflict by repealing paragraph C and enacting
17 paragraph D, which does not refer to Freeport Towne Square.

18 Section 31 corrects a conflict created by Public Law 2005,
19 chapters 260 and 332, which affected the same provision of law.
20 This section repeals the provision and replaces it with the
21 chapter 332 version.

22 Part C does the following.

23 Section 1 clarifies the capacity of the deputy treasurer of
24 state to vote on boards when the Treasurer is absent and makes
25 grammatical changes.

26 Section 2 corrects inconsistencies that were created by
27 Public Law 2005, chapter 343, which changed the composition of
28 the Pharmaceutical Cost Management Council but did not change the
29 number of members to coincide with the change in the composition
30 of the council.

31 Section 3 amends the law creating a private right of action
32 for damages for illegal wagering to cover all wagers for which a
33 license is required. This covers all horse racing for which
34 wagers may be accepted by a licensee in this State. The current
35 law limits the illegal wagering to harness racing.

36 Section 4 corrects an error in the laws governing mandatory
37 building standards for residential construction. Public Law
38 2005, chapter 350 moved the authority for administering the Maine
39 Revised Statutes, Title 10, chapter 214 from the Department of
40 Economic and Community Development to the Public Utilities
41 Commission and replaced all references to the Department of
42 Economic and Community Development in that chapter with
43 references to the Public Utilities Commission. However, Title
44 10, section 1415-C, subsection 6 was overlooked. As a result,
45