

MAINE STATE LEGISLATURE

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House Legislative Record
of the
One Hundred and Eighteenth Legislature
of the
State of Maine

Volume III

Second Regular Session

March 19, 1998 - March 31, 1998

Second Special Session

April 1, 1998 - April 8, 1998

Appendix
House Legislative Sentiments
Index

Harpwell to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

HOUSE ORDER - PROPOUNDING A QUESTION TO THE JUSTICES OF THE SUPREME JUDICIAL COURT

(H.O. 43)

TABLED - March 25, 1998 (Till Later Today) by Representative SAXL of Portland.

PENDING - **PASSAGE**.

On motion of Representative KONTOS of Windham, **TABLED** pending **PASSAGE** and later today assigned.

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-1056)** - Minority (5) **Ought to Pass as Amended by Committee Amendment "B" (H-1057)** - Committee on **CRIMINAL JUSTICE** on Bill "An Act to Amend the Laws Regarding Sex Offenders"

(H.P. 1473) (L.D. 2072)

TABLED - March 25, 1998 (Till Later Today) by Representative POVICH of Ellsworth.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED COMMITTEE AMENDMENT "A" (H-1056)** Report.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative POVICH: Madam Speaker, Men and Women of the House. I urge your support for LD 2072 as amended by Committee Amendment "A" (H.P. 1056). Lately, we've seen, read or heard about community outrage when a sexual offender has been released from one of our prisons and lands in one of our towns or cities. There's a lot of concern, worry and handwringing, what's these people up to. We don't feel safe, they might roofed. What should be done?

The Criminal Justice Committee worked long and hard with this and other notification bills and we think that we've come forward with legislation that's practical, realistic and that will do the job. The Majority and the Minority Report are in agreement on about every issue except one and the disagreement was alphabetical. I'll get there in a moment. The Criminal Justice Committee agreed also on an amendment to create a safe children zone, that is defined as, or within a 1000 feet of the property comprising a public, private elementary or secondary school or within a 1000 feet of a licensed day care center. The amendment requires the court when determining an appropriate sentencing factor the fact that the gross sexual assault was committed in a safe children's zone. Children should be safe and should feel safe.

Part two of the bill requires the Department of Corrections to forward to the Department of Public Safety and the State Bureau of Investigation the following additional information regarding a sexual offender who is required to register under the sex offender registration notification act. The defender's risk assessment score, a copy of this risk assessment instrument and applicable contact standards for the offender. What this means simply is that the Department of Corrections sends to the Department of Public Safety, who then sends it to the local chiefs of police or the sheriff all the information they need to know to make an informed decision to whom they think should be notified in the community regarding the release of a sex offender. The entire Committee, the Criminal Justice Committee, had full faith and confidence in our chief law enforcement officers to disseminate the information. We respect the concept of local control. We do not want to impose on that matter. Where we

disagreed was with which population should be included. I mentioned that the matter was alphabetical. The majority amendment wanted to include all sex offenders that have been convicted of an A, B, or C crime plus the crime of sexual exploitation of a minor. This amendment adds a fiscal note. The Minority Report also requires the Department of Corrections to forward to the Department of Public Safety and the State Bureau of Investigation and to the chief law enforcement officers, only to those currently required to register under the act. These crimes were the class A crime of gross sexual assault of a minor who is under 16. The Minority Report does not add a fiscal note. Passage of this bill, either the A Report, or the B Report will properly allow our citizens to feel a whole lot more comfortable when they turn in tonight. I urge you to please support the Majority Report and I thank you very much.

The SPEAKER: The pending question before the House is acceptance of the Majority Ought to Pass as amended Report.

Subsequently, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-1056)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1056)** and sent up for concurrence.

Under suspension of the rules, members were allowed to remove their jackets.

Bill "An Act to Limit New Lobster and Crab Fishing Licenses" (H.P. 1597) (L.D. 2226)

- In House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1004)** and **HOUSE AMENDMENT "A" (H-1025)** on March 23, 1998.

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1004)** in **NON-CONCURRENCE**.

TABLED - March 25, 1998 (Till Later Today) by Representative ETNIER of Harpswell.

PENDING - Motion of same Representative to **RECEDE** and **CONCUR**. (Roll Call Requested)

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Lamoine, Representative Pinkham.

Representative PINKHAM: Madam Speaker, Men and Women of the House. I'm sure most of you heard the testimony several days ago on this bill and really nothing's changed since then except maybe a few minds. I hope not. I'm just going to be brief and just bring you up to date on why this amendment was put on the original bill. When this bill was heard in committee to put a moratorium on all new licenses, the Commissioner of Marine Resources was there and I had a concern that there was several people that were falling through the holes in this bill. People that had licenses in previous years but didn't get one in '98, didn't get one in '97 for some reason, and I talked with the Commissioner about this and he said, well there was only a dozen or so, ten to a dozen was his exact words of people that didn't get a license in '97 that probably should have them. He said that those few people could be taken care of under previous law so we heard the bill in committee and at the work session we