

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on
Criminal Justice and Public Safety*

August 2005

Members:

Sen. Bill Diamond, Chair

Sen. John M. Nutting

Sen. Dean F. Clukey

Rep. Patricia A. Blanchette, Chair

Rep. Stan Gerzofsky

Rep. Carol A. Grose

Rep. Rosaire "Ross" Paradis, Jr.

Rep. Stephen P. Hanley

Rep. Richard M. Sykes

Rep. John W. Churchill

Rep. Christian D. Greeley

Rep. Kimberly J. Davis

Rep. Gary E. Plummer

Staff:

Marion Hylan Barr, Legislative Analyst

Office of Policy and Legal Analysis

13 State House Station

Augusta, ME 04333

(207) 287-1670



Maine State Legislature

OFFICE OF POLICY & LEGAL ANALYSIS

13 State House Station, Room 215 Cross State Office Building
Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing select committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills considered by the committees. It is organized by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

- CARRIED OVER Bill Carried Over to Second Regular Session
CON RES XXX..... Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES..... House & Senate disagree; bill died
DIED IN CONCURRENCE..... One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT..... Action incomplete when session ended; bill died
EMERGENCY..... Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE..... Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE..... Bill failed to get majority vote
FAILED MANDATE ENACTMENT..... Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY..... Ruled out of order by the presiding officers; bill died
INDEF PP..... Bill Indefinitely Postponed
ONTP..... Ought Not To Pass report accepted
OTP ND..... Committee report Ought To Pass In New Draft
OTP ND/NT..... Committee report Ought To Pass In New Draft/New Title
P&S XXX..... Chapter # of enacted Private & Special Law
PUBLIC XXX..... Chapter # of enacted Public Law
RESOLVE XXX..... Chapter # of finally passed Resolve
UNSIGNED..... Bill held by Governor
VETO SUSTAINED..... Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

Joint Standing Committee on Criminal Justice and Public Safety

Enacted law summary

Public Law 2005, chapter 69 makes 2 parallel changes to the Maine Revised Statutes, Title 17-A, section 752-B regarding interference with law enforcement dogs. First, it adds to each of the 2 offenses an element currently there by implication, which is that the dog intentionally or knowingly mistreated is in fact certified for law enforcement use. Second, Public Law 2005, chapter 69 eliminates from each of the 2 offenses the current element that the actor knows or should know of the dog's certification and replaces it with a requirement that the actor knows or should know that the dog is used for law enforcement purposes.

LD 83

An Act to Prohibit Payment Card Skimming

PUBLIC 72

Sponsor(s)
SNOWE-MELLO
FLETCHER

Committee Report
OTP-AM

Amendments Adopted
S-67

LD 83 proposed to create the Class C crime of unlawful use of a scanning device or reencoder. LD 83 proposed that a person is guilty of this crime if, without the card user's permission, the person intentionally or knowingly uses a scanning device or a reencoder to capture encoded information from a magnetic strip or stripe on a credit card, debit card or other payment card with the intent to defraud the card user, issuer or merchant. The bill further proposed that a person who has 2 or more convictions for this offense commits a Class B crime.

Committee Amendment "A" (S-67) proposed to replace the bill and to create the Class D crime of misuse of a scanning device or a reencoder. The amendment proposed that a person is guilty of misuse of a scanning device or a reencoder if the person intentionally or knowingly uses a scanning device or a reencoder without the permission of an authorized payment card user to capture encoded information from the user's payment card with the intent to defraud that authorized payment card user, the issuer of the authorized payment card user's payment card or another person.

Enacted law summary

Public Law 2005, chapter 72 creates the Class D crime of misuse of a scanning device or a reencoder. A person is guilty of misuse of a scanning device or a reencoder if the person intentionally or knowingly uses a scanning device or a reencoder without the permission of an authorized payment card user to capture encoded information from the user's payment card with the intent to defraud that authorized payment card user, the issuer of the authorized payment card user's payment card or another person.

LD 102

An Act To Allow the Part-time Assignment of State Police Officers to Municipalities

PUBLIC 53

Sponsor(s)
BLANCHETTE

Committee Report
OTP-AM

Amendments Adopted
H-97

Joint Standing Committee on Criminal Justice and Public Safety

LD 102 proposed to clarify current law by making it clear that the Chief of the State Police may provide police services to requesting municipalities on a full-time or part-time basis by assigning one or more officers. The municipality would have to pay the cost of providing the assigned officer or officers.

Committee Amendment "A" (H-97) proposed to amend one of 2 provisions of law relating to a municipality's authority to contract for law enforcement services. This amendment proposed to make certain clarifying changes to the other provision to avoid ambiguity, ensure consistency and provide a cross-reference. The amended provision related to municipal authority to contract for law enforcement services with either the State Police or a sheriff's department. For clarity, the amendment proposed to move the provision to its own section of law. It also proposed to make explicit that a municipality may contract with the State Police or a sheriff's department for law enforcement services, including, but not limited to, enforcement of local ordinances. Finally, the amendment proposed to provide a cross-reference to the Maine Revised Statutes, Title 25, section 1502, which governs municipal authority to contract with the State Police.

Enacted law summary

Public Law 2005, chapter 53 clarifies current law by making it clear that the Chief of the State Police may provide police services to requesting municipalities on a full-time or part-time basis by assigning one or more officers. The municipality must pay the cost of providing the assigned officer or officers. Public Law 2005, chapter 53 also makes explicit that a municipality may contract with the State Police or a sheriff's department for law enforcement services, including, but not limited to, enforcement of local ordinances.

LD 104

An Act To Require Cigarettes Sold in Maine To Be Fire-safe

ONTP

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

LD 104 proposed to provide that, beginning January 1, 2006, 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. The bill proposed to create the following civil violations and minimum fines.

1. A wholesaler who knowingly sold cigarettes that were not fire-safe would be subject to a \$10,000 fine for each sale.
2. A manufacturer who knowingly misrepresented that cigarettes were fire-safe would be subject to a \$10,000 fine for each misrepresentation.
3. A retailer who sold 5 or fewer cartons of cigarettes that were not fire-safe would be subject to a \$500 fine.
4. A retailer who sold more than 5 cartons of cigarettes that were not fire-safe would be subject to a \$1,000 fine.

The bill also proposed to direct the State Fire Marshal to adopt standards for fire-safe cigarettes that ensure that cigarettes will stop burning within a specific time period or that cigarettes meet performance standards to limit the risk that they will ignite upholstered furniture. The bill proposed that the Fire Marshal consider health risks in adopting the safety standards. The bill also proposed to dedicate fines to fire safety and prevention programs and authorize the Fire Marshal to adopt routine technical rules to ensure that the standards are in place by January 1, 2006.