

MAINE STATE LEGISLATURE

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*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

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Maine State Legislature

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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.

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LD 1141 **An Act To Create the Crime of Vehicular Manslaughter for Persons Who, while Committing a Traffic Infraction, Cause the Death of Another Person** **ONTP**

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

LD 1141 proposed to create the crime of vehicular manslaughter, which is defined as causing the death of another person while operating a motor vehicle and committing a traffic infraction. Vehicular manslaughter would have been a strict liability Class D crime.

LD 1152 **An Act To Protect Incompetent Dependents** **PUBLIC 431**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLANCHETTE	OTP-AM	H-324

LD 1152 proposed to increase the class of crime for endangering the welfare of an incompetent dependent person to a Class C crime if the endangerment results in serious bodily injury and to a Class B crime if the endangerment results in death.

COMMITTEE AMENDMENT "A" (H-324) proposed to replace the bill and to repeal and replace the Class D crime of endangering the welfare of a dependent person with 2 crimes based on the defendant's culpable state of mind. The amendment proposed that a person who intentionally or knowingly endangers the welfare of a dependent person commits a Class C crime, and a person who recklessly endangers the welfare of a dependent person commits a Class D crime.

Enacted law summary

Public Law 2005, chapter 431 repeals and replaces the Class D crime of endangering the welfare of a dependent person with 2 crimes based on the defendant's culpable state of mind. A person who intentionally or knowingly endangers the welfare of a dependent person commits a Class C crime, and a person who recklessly endangers the welfare of a dependent person commits a Class D crime.

LD 1164 **An Act Regarding the Bureau of State Police, Licensing Division** **ONTP**

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

LD 1164 proposed to adjust fees collected for issuance and renewal of licenses and permits for games of chance and beano, contract security guard companies, private investigators and firearms. Specifically, the bill proposed to do the following:

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1. Increase the fee from \$25 to \$50 for an application for possession of a firearm by a prohibited person under 15 MRSA §393;
2. Increase the fee from \$12 to \$14.25 for each calendar week or from \$36 to \$42.50 for each calendar month or from \$400 to \$472 for each calendar year the license to operate beano or bingo games by volunteer fire departments, agricultural fairs or nonprofit charitable, educational, political, civic, recreational, fraternal, patriotic, religious or veterans' organizations under 17 MRSA §314;
3. Increase from \$7.50 to \$15 the original application fee for a license to operate a game of chance under 17 MRSA §339, sub-§1;
4. Increase from \$15 to \$17.50 for each week or \$60 to \$70 for each calendar month or from \$700 to \$820 for each calendar year the license to operate a game of chance under 17 MRSA §339, sub-§2;
5. Increase from \$15 to \$30 for each week and from \$60 to \$120 for a calendar month the fee for a game of chance license to operate an electronic video machine under 17 MRSA §339, sub-§2-A;
6. Increase from \$7.50 to \$15 the fee for a calendar year for a license issued to operate a game of cards under 17 MRSA §339, sub-§3;
7. Increase from \$625 to \$750 for each calendar year the fee for a license to a distributor under 17 MRSA §339, sub-§4;
8. Increase from \$15 to \$500 for each calendar year the fee for a license to a printer under 17 MRSA §339, sub-§5;
9. Increase from \$35 to \$60 the resident fee for an initial license to carry a concealed weapon and from \$20 to \$60 the fee for a license renewal to carry a concealed weapon under 25 MRSA §2003, sub-§1, ¶E, sub-¶4. It also proposed to increase from \$60 to \$120 the nonresident fee for an initial license or license renewal to carry a concealed weapon under the same provision;
10. Increase from \$400 to \$600 the initial biennial license and license renewal for a private investigator under 32 MRSA §8117; and
11. Increase from \$400 to \$750 the initial license for a contract security company under 32 MRSA §9407. It also proposed to increase from \$200 to \$500 the annual license renewal for a contract security company under 32 MRSA §9408. The bill also proposed that an applicant for an initial license or a license renewal must also pay at that time an additional \$10 fee for each employee, and a licensees must later notify the commissioner of new employees and must submit \$10 for each employee under 32 MRSA §9410-A.

The Department of Public Safety, Bureau of State Police, Licensing Division issues these licenses and permits. The proposed increase in fees would fund 2 additional State Police Detectives and one Clerk Typist III position in the Licensing Division. These positions were eliminated by Public Law 2003, chapter 451. (LD 1614, An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2003, June 30, 2004 and June 30, 2005.)

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Committee Amendment "A" (H-387) was the minority report of the Joint Standing Committee on Criminal Justice and Public Safety and proposed to add an appropriations and allocations section to the bill. This amendment was not adopted.

LD 1166 An Act To Impose More Stringent Penalties for Driving after Drinking ONTP

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

LD 1166 proposed to amend the OUI laws by:

1. Creating the offense of operating while impaired: operating a motor vehicle with a blood-alcohol level of 0.04% to 0.0799%;
2. Creating the offense of operating while inebriated: operating a motor vehicle with a blood-alcohol level of 0.20% or higher;
3. Setting penalties for the offenses of operating while impaired and operating while inebriated and increasing the fine and length of incarceration for OUI; and
4. Authorizing the use of electronic field sobriety tests and allows these tests to be admissible in court.

LD 1172 An Act To Expunge Criminal Records upon Pardon ONTP

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

LD 1172 proposed to require the Department of Public Safety, State Bureau of Identification and all other state agencies to expunge all records of a crime of a person who has received a full and free pardon by the Governor. This bill also proposed to require the State Bureau of Identification to make the necessary arrangements with the identification division of the Federal Bureau of Investigation to have all references to the pardoned crime deleted from the Federal Bureau of Investigation's identification record and any state materials returned to the contributing agency.