

MAINE STATE LEGISLATURE

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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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STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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:

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 (or Accepted ONTP report).....	Ought Not To Pass report accepted
OTP-ND.....	Committee report Ought To Pass In New Draft
P&S XXX.....	Chapter # of enacted Private & Special Law
PASSED.....	Joint Order passed in both bodies
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 that the effective date for non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Criminal Justice and Public Safety

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.

Joint Standing Committee on Criminal Justice and Public Safety

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.

Joint Standing Committee on Criminal Justice and Public Safety

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.

Joint Standing Committee on Criminal Justice and Public Safety

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