

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE
AND PUBLIC SAFETY**

May 2014

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STATE OF MAINE
126TH LEGISLATURE
SECOND REGULAR SESSION
LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

The *Digest* is arranged within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER.....carried over to a subsequent session of the Legislature
CON RES XXX chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSESHouse & Senate disagreed; legislation died
DIED IN CONCURRENCE defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT action incomplete when session ended; legislation died
EMERGENCYenacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE.....emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT.....legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW.....sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY.....ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX chapter # of enacted public Law
RESOLVE XXX chapter # of finally passed resolve
VETO SUSTAINED.....Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the Second Regular Session of the 126th Legislature is August 1, 2014. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Criminal Justice and Public Safety

**LD 1589 Resolve, To Ensure Notification to the Public of the Location in Maine
of Persons Convicted in Foreign Countries of Certain Crimes**

RESOLVE 97

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKER BURNS	ONTP OTP-AM	H-600 H-619 MAKER

This bill applies the requirements of the Sex Offender Registration and Notification Act of 2013 to a person who is sentenced on or after January 1, 2015 in a foreign country for an offense that, if committed in this State, would subject that person to inclusion on this State's sex offender registry.

Committee Amendment "A" (H-600)

This amendment is the minority report. It restricts the application of the provisions of the bill to the foreign countries of Canada, the United Kingdom, New Zealand, and Australia.

House Amendment "A" To Committee Amendment "A" (H-619)

This amendment amends Committee Amendment "A" to strike the bill and directs the Commissioner of Public Safety to convene a task force that includes members of the Maine Sheriffs' Association, members of the Maine Chiefs of Police Association, the Attorney General and the commissioner to develop a procedure for notifying affected members of the public of the location in this State of a person who was convicted in a foreign country of a crime that, if committed in this State, would subject a person to inclusion on this State's sex offender registry.

The amendment directs the commissioner to submit a report of the task force's findings to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by December 3, 2014.

Enacted Law Summary

Resolve 2013, chapter 97 directs the Commissioner of Public Safety to convene a task force that includes members of the Maine Sheriffs' Association, members of the Maine Chiefs of Police Association, the Attorney General and the commissioner to develop a procedure for notifying affected members of the public of the location in this State of a person who was convicted in a foreign country of a crime that, if committed in this State, would subject a person to inclusion on this State's sex offender registry. It also directs the Commissioner of Public Safety to submit a report of the task force's findings to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by December 3, 2014.

LD 1590 An Act To Amend the Operating-under-the-influence Laws

**PUBLIC 459
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING GERZOFKY	OTP-AM	H-614

This bill amends the laws regarding operating under the influence, or OUI, in the following ways.

1. It increases the minimum administrative license suspension imposed by the Secretary of State to 150 days for a person convicted of OUI once in a ten-year period. This length of suspension mirrors the length of suspension imposed by the court for the same crime.
2. It increases the minimum administrative license suspension imposed by the Secretary of State to eight years for a

Joint Standing Committee on Criminal Justice and Public Safety

person convicted of four or more OUI offenses within a ten-year period. This length of suspension mirrors the length of suspension imposed by the court for a person convicted of OUI when that person has been convicted of OUI three or more times within a ten-year period at the time of sentencing.

3. It clarifies that the license of a person convicted of OUI who installs an ignition interlock device may be reinstated by paying a reinstatement fee of \$50 and an administrative fee of \$50.

Committee Amendment "A" (H-614)

This amendment does the following.

1. It removes references to "breath" from the evidentiary rules because police no longer use balloon kits for breath analysis; police now use a self-contained, breath-alcohol testing apparatus.
2. It amends the law governing the administration of tests for the presence of drugs to remove antiquated references to drug "concentrations" and replaces them with "the presence of drugs or drug metabolites." The inclusion of metabolites conforms this section of law with other laws pertaining to drug testing.
3. It removes a reference to the Department of Health and Human Services in the statute that provides liability protection for people who draw blood at the request of a law enforcement officer, because the department no longer certifies this group of people. It also explicitly provides liability protection for people whose occupational license or training allows them to draw blood.

Enacted Law Summary

Public Law 2013, chapter 459 amends the laws regarding operating under the influence, or OUI, in the following ways.

1. It increases the minimum administrative license suspension imposed by the Secretary of State to 150 days for a person convicted of OUI once in a ten-year period. This length of suspension mirrors the length of suspension imposed by the court for the same crime.
2. It increases the minimum administrative license suspension imposed by the Secretary of State to eight years for a person convicted of four or more OUI offenses within a ten-year period. This length of suspension mirrors the length of suspension imposed by the court for a person convicted of OUI when that person has been convicted of OUI three or more times within a ten-year period at the time of sentencing.
3. It clarifies that the license of a person convicted of OUI who installs an ignition interlock device may be reinstated by paying a reinstatement fee of \$50 and an administrative fee of \$50.
4. It removes references to "breath" from the evidentiary rules because police no longer use balloon kits for breath analysis; police now use a self-contained, breath-alcohol testing apparatus.
5. It amends the law governing the administration of tests for the presence of drugs to remove antiquated references to drug "concentrations" and replaces them with "the presence of drugs or drug metabolites." The inclusion of metabolites conforms this section of law with other laws pertaining to drug testing.
6. It removes a reference to the Department of Health and Human Services in the statute that provides liability protection for people who draw blood at the request of a law enforcement officer, because the department no longer certifies this group of people. It also explicitly provides liability protection for people whose occupational license or training allows them to draw blood.

Public Law 2013, chapter 459 was enacted as an emergency measure effective March 12, 2014.