

# MAINE STATE LEGISLATURE

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*State Of Maine  
121st Legislature*

*Second Regular Session and  
Second Special Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Criminal Justice and Public Safety*

*May 2004*

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Sen. Pamela Henderson Hatch  
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## *Maine State Legislature*

### *Office Of Policy And Legal Analysis Office Of Fiscal And Program Review*

#### *121st Maine Legislature Second Regular Session and Second Special Session*

#### *Summary Of Legislation Before The Joint Standing Committees*

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint 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 arranged alphabetically by committee name 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. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located 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/billsumm.htm](http://www.state.me.us/legis/opla/billsumm.htm)).

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
ONT P.....	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 all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is April 30, 2004; and non-emergency legislation enacted in the Second Special Session is July 30, 2004. Four bills (LD's 1572, 1629, 1636 and 1637) that were considered at the First Special Session in August 2003 are also included in these summaries.

*David C. Elliott, Director*

**Offices located in Room 215 of the Cross Office Building**

## *Joint Standing Committee on Criminal Justice and Public Safety*

9. It establishes the state council required under the Interstate Compact for Adult Offender Supervision and the Interstate Compact for Juveniles, designates the compact administrators and repeals the obsolete Interstate Compact for Out-of-State Parolee Supervision.

**LD 1788**

### **An Act To Waive Fees for Background Checks for Certain Emergency Medical Services Personnel**

**ONTP**

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

LD 1788 proposed to waive the fees charged by the State Bureau of Identification within the Department of Public Safety, Bureau of State Police for background checks for municipal employees and volunteers applying for licensure as emergency medical services personnel.

**Committee Amendment "A" (H-689)** was the minority report and proposed to add a fiscal note to the bill. This amendment was not adopted.

**LD 1789**

### **An Act To Revise the Minimum Firefighter Safety Standards**

**PUBLIC 570**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE	OTP-AM	H-691
EDMONDS		

LD 1789 proposed to update Maine's firefighter personal equipment and clothing safety standards to meet National Fire Protection Association standards. Specifically, the bill proposed that if new equipment is purchased, it must meet the safety standard in effect at the time of the purchase, and if used protective clothing that is not new is acquired, the clothing must at least meet the standards in effect in 1987. The bill proposed that any protective clothing purchased prior to 1987 that does not meet National Fire Protection Association standards must be replaced. The bill also proposed to expand firefighter training requirements to include "education" requirements and to move language requiring hearing protection to the provision of law establishing standards for equipment and clothing.

**Committee Amendment "A" (H-69)** proposed to add an effective date of July 1, 2005 to give fire departments time to comply with the new standards and proposed to add a mandate preamble and fiscal note.

#### ***Enacted Law Summary***

Public Law 2003, chapter 570 updates Maine's firefighter personal equipment and clothing safety standards to meet National Fire Protection Association standards. Specifically, if new equipment is purchased, it must meet the safety standard in effect at the time of the purchase. If used protective clothing that is not new is acquired, the clothing must at least meet the standards in effect in 1987. Any protective clothing purchased prior to 1987 that does not meet National Fire Protection Association standards must be replaced. Public Law 2003, chapter 570 also expands firefighter training requirements to include "education" requirements and moves language requiring hearing

## *Joint Standing Committee on Criminal Justice and Public Safety*

protection to the provision of law establishing standards for equipment and clothing. Public Law 2003, chapter 570 has an effective date of July 1, 2005 in order to give fire departments time to comply with the new standards.

**LD 1803**

### **An Act Requiring Blood Testing of All Drivers Involved in Fatal Accidents**

**PUBLIC 565**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOWLES DUPLESSIE	OTP-AM	H-712

**LD 1803**

Current law requires the operator of a motor vehicle involved in an accident that results or is likely to result in death to submit to a test to determine blood-alcohol level or drug concentration. The investigating police officer is required to cause the test to be administered but has the discretion to determine the form of the test, whether by breath, blood or urine analysis, to which the operator must submit. LD 1803 proposed to remove that discretion, instead requiring that an operator must submit to, and the investigating law enforcement officer must cause to be administered, a blood test to determine blood-alcohol level or drug concentration.

**Committee Amendment "A" (H-712)** replaced the bill and proposed to amend the Maine Revised Statutes, Title 29-A by requiring that, in cases when there is probable cause to believe that death has occurred or will occur as a result of an accident, the investigating officer shall cause a blood test to be administered on every operator involved in the accident as soon as practicable following the accident. The amendment proposed that the officer may also cause a breath test or any other chemical test to be administered if the officer determines appropriate. Operators shall submit to and complete all tests administered, as required by current law, and except as otherwise provided in Title 29-A, section 2522, subsection 2, testing must be conducted in accordance with Title 29-A, section 2521, which governs drivers' implied consent to chemical tests. The amendment also proposed to add a mandate preamble and a fiscal note.

#### ***Enacted Law Summary***

Public Law 2003, chapter 565 amends the Maine Revised Statutes, Title 29-A by requiring that, in cases when there is probable cause to believe that death has occurred or will occur as a result of an accident, the investigating officer shall cause a blood test to be administered on every operator involved in the accident as soon as practicable following the accident. The officer may also cause a breath test or any other chemical test to be administered if the officer determines appropriate. Operators shall submit to and complete all tests administered. Except as otherwise provided in Title 29-A, section 2522, subsection 2, testing must be conducted in accordance with Title 29-A, section 2521, which governs drivers' implied consent to chemical tests.