

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**

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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

same by persons who are under 18 years of age. The penalties for the prohibited conduct described in the amendment are modeled on the penalties in the Maine Revised Statutes, Title 22, chapter 262-A, subchapter 2, which deals with the prohibition of sales of tobacco to and possession of tobacco by minors.

Committee Amendment "B" (H-118)

This amendment is one of 2 minority reports of the Joint Standing Committee on Criminal Justice and Public Safety. The majority report is also "ought to pass as amended" and the second minority report is "ought not to pass." This amendment clarifies the definition of "salvia divinorum." This amendment was not adopted.

Enacted Law Summary

Public Law 2007, chapter 120 prohibits the transfer of salvia divinorum to or the possession of the same by persons who are under 18 years of age. The penalties for the prohibited conduct described in the amendment are modeled on the penalties in the Maine Revised Statutes, Title 22, chapter 262-A, subchapter 2, which deals with the prohibition of sales of tobacco to and possession of tobacco by minors.

LD 67 An Act To Reduce the Cost of the Operation of County Jails

**ACCEPTED ONTP
REPORT**

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

This bill provides that for a Class A, Class B, Class C or Class D crime the court must specify a county jail as the place of imprisonment if the term of imprisonment is less than 6 months and must commit the person to the Department of Corrections if the term of imprisonment is 6 months or more. In the case of a split sentence, it provides that for a Class D crime, the court must specify a county jail as the place of imprisonment for a sentence of less than 6 months and must commit the person to the Department of Corrections for a sentence of 6 months or more. Also in the case of a split sentence, for a Class A, Class B or Class C crime the court must specify a county jail as the place of imprisonment for any portion of the sentence that is less than 6 months and commit the person to the Department of Corrections for any portion of the sentence that is 6 months or more.

Committee Amendment "A" (H-546)

This amendment is the minority report. This amendment adds an appropriations and allocations section. This amendment was not adopted.

LD 68 An Act To Provide a Reward for Information Regarding the Murder of a Law Enforcement Officer

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARLOW		H-123

This bill provides that when there is reasonable cause to believe that a law enforcement officer has been murdered, the Governor shall, upon application in writing by the Attorney General or the district attorney in the county where the alleged crime was committed, offer a reward of \$25,000 for evidence that leads directly to a conviction for that murder. Upon proof that the terms of the reward offer have been complied with, the Governor shall direct the Treasurer to make payment of the reward.

Committee Amendment "A" (H-123)

This amendment replaces the bill. The amendment retains the \$25,000 reward for information that leads

Joint Standing Committee on Criminal Justice and Public Safety

directly to a conviction for the murder of a law enforcement officer when there is reasonable cause to believe that the law enforcement officer has been murdered, but in the amendment the officer must have been murdered while in the performance of the officer's official duties. In such a case, the Governor shall, upon application in writing by the Attorney General or the district attorney for the county in which the alleged crime was committed, offer a reward of \$25,000 for evidence that leads directly to the conviction of the murderer under the Maine Revised Statutes, Title 17-A, sections 201 or 202. Upon satisfactory proof that the terms of the reward offer have been complied with, the Governor shall draw a warrant upon the Treasurer of State for the payment of the reward. The amendment also moves this process from Title 17-A, the Maine Criminal Code, to Title 2, which deals with the powers and duties of the Governor.

LD 68 was carried over by joint order, H.P. 1369 after being removed from the Special Appropriations Table and recommitted to the Committee on Criminal Justice and Public Safety.

LD 69 An Act To Impose Zero Tolerance for Methamphetamine Production

ONTP

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

This bill requires a court to impose a sentencing alternative of 25 years to life imprisonment for a person convicted of trafficking in methamphetamine when it was proved the defendant manufactured methamphetamine.

See LD 424, "An Act to Protect Children from Dangerous Drugs, Harmful Chemicals and Drug-related Violence," which was carried over.

LD 70 An Act Concerning Reduced Ignition Propensity Cigarettes

PUBLIC 253

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RINES	OTP-AM	H-338

This bill provides that, beginning January 1, 2008, 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.

Committee Amendment "A" (H-338)

This amendment replaces the bill. Whereas the bill prohibited the sale of cigarettes that do not meet the fire-safe standards established by the State Fire Marshal, the amendment requires that all cigarettes sold in the State be certified as meeting reduced ignition propensity standards by January 1, 2008 and creates standards for testing in the Maine Revised Statutes, Title 22. The amendment includes provisions to allow for the sale of existing inventory. The amendment also authorizes the State Fire Marshal, the State Tax Assessor and the Attorney General to enforce the standards and creates the Fire Prevention and Public Safety Fund from fines collected for noncompliance.

Enacted Law Summary

Public Law 2007, chapter 253 requires that all cigarettes sold in the State be certified as meeting reduced ignition propensity standards by January 1, 2008 and creates standards for testing in the Maine Revised Statutes, Title 22. The law includes provisions to allow for the sale of existing inventory. The law also authorizes the State Fire Marshal, the State Tax Assessor and the Attorney General to enforce the standards and establishes the Fire Prevention and Public Safety Fund from fines collected for noncompliance.