

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

LD 91

An Act To Provide Regulation of the Department of Corrections Telephone System by the Public Utilities Commission

ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| STRIMLING | ONTP | |

This bill requires the Department of Corrections (DOC) to manage a coordinated and efficient telephone system, subject to oversight and regulation by the Public Utilities Commission (PUC). The bill authorizes the department to use state equipment and services of the Department of Administrative and Financial Services or to contract for equipment and services.

LD 91 also requires the PUC to oversee and regulate the DOC telephone system, including phone use by the DOC's employees and in all locations managed and operated by the DOC. The bill requires the PUC to give annual reports, with recommendations for improvement, to the joint standing committees of the Legislature having jurisdiction over criminal justice and corrections matters and utilities matters. The PUC may adopt routine technical rules to implement these changes.

LD 96

An Act To Require a Test for Operating under the Influence for a Driver Involved in an Accident That Caused Bodily Injury

ACCEPTED ONTP REPORT

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| SCHATZ DAMON | ONTP MAJ OTP-AM MIN | |

Current law requires that the operator of a motor vehicle involved in an accident that results in or is likely to result in death to submit to a test to determine blood alcohol level or drug concentration. The investigating law enforcement officer is required to cause the test to be administered but has the discretion to determine the form of the test. This bill requires that if there is probable cause to believe that "bodily injury" has occurred or will occur as a result of an accident, the vehicle operator involved in the accident must submit to a chemical test to determine blood alcohol level or drug concentration.

The bill also amends the law regarding an operator's right to hearing on an administrative license suspension by the Secretary of State by adding the operator involved in an accident where there is bodily injury as proposed by the bill.

For purposes of this bill, "bodily injury" has the same meaning as found in the Maine Criminal Code: "bodily injury" means physical pain, physical illness or any impairment of physical condition.

Committee Amendment "A" (H-27)

This amendment is the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment requires law enforcement officers to order mandatory chemical testing to be administered to determine the blood-alcohol level or drug concentration of an operator of a motor vehicle involved in an accident involving apparent serious bodily injury, just as current law requires for motor vehicle accidents involving death. This amendment was not adopted.