

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 246 An Act To Protect the Solemnity and Dignity of a Funeral or Memorial Service in Maine

**PUBLIC 144
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASTINGS	OTP-AM MAJ ONTP MIN	S-54

This bill makes it a Class E crime for a person to pass out leaflets or handbills, display a sign or engage in oral protest, education or counseling within 1,000 feet of a facility or cemetery being used for a funeral, memorial or burial service with knowledge of the funeral, memorial or burial service during the 120 minutes immediately preceding the scheduled starting time of the funeral, memorial or burial service, during the funeral, memorial or burial service or during the 60 minutes immediately following the funeral, memorial or burial service.

Committee Amendment "A" (S-54)

This amendment replaces the bill and is the majority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment adds an emergency clause and preamble, and instead of creating a new crime, it expands upon the current crime of disorderly conduct. The amendment replaces the whole statutory section on disorderly conduct to correct faulty section structure. Substantively, however, the amendment uses current law to identify funeral attendees as a special class when making a disorderly conduct analysis. The amendment specifies that in a private or public place on or near property where a funeral, burial or memorial service is being held, a person is guilty of disorderly conduct if the person knowingly accosts, insults, taunts or challenges any person in mourning and in attendance at the funeral, burial or memorial service with unwanted, obtrusive communications by way of offensive, derisive or annoying words, or by gestures or other physical conduct, that would in fact have a direct tendency to cause a violent response by an ordinary person in mourning and in attendance at a funeral, burial or memorial service.

Enacted Law Summary

Public Law 2007, chapter 144 expands upon the current crime of disorderly conduct. Public Law 2007, chapter 144 replaces the whole statutory section on disorderly conduct to correct faulty section structure. Substantively, Public Law 2007, chapter 144 uses current law to identify funeral attendees as a special class when making a disorderly conduct analysis. The law specifies that in a private or public place on or near property where a funeral, burial or memorial service is being held, a person is guilty of disorderly conduct if the person knowingly accosts, insults, taunts or challenges any person in mourning and in attendance at the funeral, burial or memorial service with unwanted, obtrusive communications by way of offensive, derisive or annoying words, or by gestures or other physical conduct, that would in fact have a direct tendency to cause a violent response by an ordinary person in mourning and in attendance at a funeral, burial or memorial service.

Public Law 2007, chapter 144 was enacted as an emergency measure effective May 18, 2007.

LD 280 An Act To Make a Conviction for a 6th Operating under the Influence Charge a Class B Crime

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND		S-98

This bill creates a new Class B crime of operating a motor vehicle while under the influence 6 or more times. This new crime is not limited by the 10-year look back period and is subject to penalties including a fine of not less than \$3,000, except that if the person failed to submit to a test at the request of a law enforcement officer, a fine of not less than \$3,500; a period of incarceration of not less than one year, except that if the person failed to submit to a

Joint Standing Committee on Criminal Justice and Public Safety

test at the request of a law enforcement officer, a period of incarceration of not less than one year and 3 months; and a court-ordered suspension of a driver's license for life.

Committee Amendment "A" (S-98)

This amendment specifies that the new Class B crime of operating a motor vehicle while under the influence 6 or more times is limited by a 15-year look back period, which is 5 years more than the current look back period for operating under the influence offenses but less than the lifetime look back proposed in the bill.

LD 280 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 294 An Act Concerning Posting the Registry of Convicted Sex Offenders

ONTP

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

This bill requires municipal law enforcement agencies to post at their departments the most current sex offender registry of registrants who are domiciled, reside, are employed or attend college or school within the posting law enforcement agency's jurisdiction. The bill also requires municipalities that do not have law enforcement agencies to post at the municipal office the most current sex offender registry of registrants who are domiciled, reside, are employed or attend college or school within the municipality.

LD 295 An Act To Increase the Fines for Littering

**ACCEPTED ONTP
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRESSEY	ONTP MAJ OTP MIN	

This bill increases the fines for littering as follows.

1. For disposal of 15 lbs. or less or 27 cubic feet or less, the fine is increased from not less than \$100 and not more than \$500 to not less than \$200 and not more than \$600.
2. For disposal of the same amount above (1) after having previously violated the same provision, the fine is increased from not less than \$200 and not more than \$500 to not less than \$300 and not more than \$600.
3. For disposal of more than 15 lbs. or more than 27 cubic feet, the fine is increased from not less than \$200 and not more than \$500 to not less than \$300 and not more than \$600.
4. For disposal of the same amount above (3) after having previously violated the same provision, the fine is increased from not less than \$500 and not more than \$1,000 to not less than \$600 and not more than \$1,500.