

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
123<sup>RD</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123<sup>rd</sup> Maine Legislature coming from the

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

July 2007

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# STATE OF MAINE

123<sup>RD</sup> 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 123<sup>rd</sup> 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 378**      **An Act To Ensure That County Jails Maintain the Same Formulary for Mental Health Medications as the Maine State Prison**      **ONTP**

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

This bill requires the Commissioner of Corrections to notify the county commissioners of the medications for mental illness and mental conditions included on the medication formulary of the Department of Corrections and requires the county jails to have matching formularies beginning January 1, 2008.

**LD 387**      **An Act To Improve the Driver Education and Evaluation Programs**      **ONTP**

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

This bill amends the laws regarding the Driver Education and Evaluation Programs (DEEP). Currently, a person may bypass DEEP and go directly into treatment. This bill removes the option of seeking just treatment, so individuals who lose their licenses for operating under the influence of alcohol or other drugs would be required to attend the educational component of the DEEP, if evidence of a substance abuse problem exists, and to attend treatment, if indicated by the evaluation.

**LD 408**      **An Act To Make the Prison Industry Program More Effective**      **ONTP**

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to make more effective the prison industry program, where inmates learn and apply skilled trades while creating useful products for the public.

See Joint Study Order to Establish the Committee to Study the Prison Industries Program (H.P. 1334).

**LD 418**      **An Act To Require the Collection of DNA from Persons Who Committed Felonies Prior to 1996 Who Then Reoffend by Committing Offenses for Which They Would Not Otherwise Have To Submit to a DNA Test**      **PUBLIC 294**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARLEY	OTP-AM MAJ ONTP MIN	H-368

Current law requires persons convicted of certain crimes after January 1, 1996 to submit a biological sample for DNA testing and inclusion in Maine's DNA databank maintained by the Chief of the State Police or in the Federal Bureau of Investigation's national DNA identification index system, which allows for storage and exchange of DNA

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

records submitted by state and local forensic DNA laboratories and is derived from the Combined DNA Index System.

This bill requires all persons who have been convicted in Maine at any time of murder, a Class A, B or C crime, commonly known as felonies and specified other crimes to submit a sample for DNA testing and storage. The requirement is delayed until July 1, 2008 to allow the Chief of the State Police to develop a plan to obtain and store the DNA of all those persons who are subject to this sampling requirement who still reside in Maine. The chief is required to submit that plan to the Joint Standing Committee on Criminal Justice and Public Safety, which is required to submit a bill to the Second Regular Session of the 123rd Legislature to implement the plan.

### **Committee Amendment "A" (H-368)**

This amendment is the majority report of the Joint Standing Committee on Criminal Justice and Public Safety and replaces the bill. The amendment requires a person who commits an offense that does not currently require the person to submit a DNA sample to submit a DNA sample if that person was convicted of an offense prior to January 1, 1996 that is an offense that would require submitting a DNA sample if committed on or after that date. A person who fails to submit a DNA sample after receiving notice from the Department of Public Safety, State Bureau of Identification commits a Class E crime.

### **Enacted Law Summary**

Public Law 2007, chapter 294 requires a person who commits an offense that does not currently require the person to submit a DNA sample to submit a DNA sample if that person was convicted of an offense prior to January 1, 1996 that is an offense that would require submitting a DNA sample if committed on or after that date. A person who fails to submit a DNA sample after receiving notice from the Department of Public Safety, State Bureau of Identification commits a Class E crime.

### **LD 423      An Act To Ensure the Safety of the Public and of Victims of Sexual Assault      CARRIED OVER**

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

This bill is an emergency bill that requires the court to issue a standing criminal restraining order that applies to persons convicted of sex offenses under the Maine Revised Statutes, Title 17-A, chapters 11 and 12. The standing criminal restraining order takes effect when the defendant is released from confinement or at the time of sentencing if no confinement is ordered and continues until modified or revoked by the court for good cause shown. The order must include, but is not limited to, enjoining the defendant from residing within 10 miles of the victim's residence, within 10 miles of where the offense occurred and within 1,000 feet of a school, day care or playground if there are fewer than 30,000 residents in that community. Violation of the order is a Class D crime.

LD 423 was carried over by joint order, H.P. 1369.

### **LD 424      An Act To Protect Children from Dangerous Drugs, Harmful Chemicals and Drug-related Violence      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLEARY		H-124

This bill includes in the offense of "aggravated trafficking of scheduled drugs," (17-A §1105-A), trafficking in the presence of a child under 18 years. Current law aggravates the offense for trafficking with a person under 18. This