

# 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*

recommendations including legislative changes, if necessary.

Public Law 2007, chapter 462 directs the Director of the Maine Emergency Management Agency, in cooperation with the Maine Developmental Disabilities Council and the Public Utilities Commission to develop and implement a plan, including funding, to provide a statewide disability indicator system to allow individuals with disabilities and special health needs to provide a means for identifying special assistance needed in an emergency. The director shall report regarding the implementation of the plan and shall identify any necessary implementing legislation to the Joint Standing Committee on Criminal Justice and Public Safety by January 1, 2008.

Public Law 2007, chapter 462 directs the Director of the Maine Emergency Management Agency, in cooperation with the Chief Information Officer and the Statewide Radio Network Board, to seek and coordinate information from fire chiefs across the State identifying those facilities in each chief's community that pose radio communications challenges and, after a standardized risk assessment, are identified as having high potential for high vulnerability in an emergency event. The director shall report findings and recommendations, including any necessary legislation, to the Joint Standing Committee on Criminal Justice and Public Safety by January 1, 2008.

Public Law 2007, chapter 462 directs the Director of the Maine Emergency Management Agency, in cooperation with the Department of Professional and Financial Regulation and the Department of Environmental Protection, to research the public safety factors involved in determining whether fuel tanks should be attached to buildings in order to withstand high winds and flooding and whether all fuel tanks should have emergency shut-off valves. The director shall report findings and recommendations, including any necessary legislation, to the Homeland Security Advisory Council by January 1, 2008.

Public Law 2007, chapter 462 also amends Public Law 2005, chapter 634, section 21 by specifying that the Department of Education shall ask a school district whether it plans to use its school as a public community shelter after site approval and before concept approval.

Public Law 2007, chapter 462 was enacted as an emergency measure effective June 29, 2007.

### **LD 696      An Act To Require Credentials for Amateur Radio Emergency Communications Volunteers**

**ONTP**

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

This bill includes registered emergency communications volunteers among those individuals that the Maine Emergency Management Agency may employ to assist with emergency management activities. This bill creates a definition for emergency communications volunteer that requires volunteers to meet certain requirements before they may receive a valid identification card from the agency. This bill also directs the Director of the Maine Emergency Management Agency to adopt rules to implement a state radio amateur civil emergency services plan in accordance with Federal Communications Commission and Federal Emergency Management Agency guidelines. It also requires the director to adopt rules governing registration requirement levels for emergency communications volunteers.

### **LD 697      An Act To Amend the Laws Relating to Department of Corrections Facilities**

**PUBLIC 102**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY DIAMOND	OTP-AM	H-125

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

This bill amends the laws relating to the Department of Corrections facilities as follows.

Sections 1 and 2 of bill add to the Maine Criminal Code provisions defining gross sexual assault and unlawful sexual contact to include sexual conduct with any of the following when the actor has supervisory or disciplinary authority of one of the following: a sex offender on supervised release, a prisoner on supervised community confinement or a juvenile on community reintegration status.

Section 3 allows prisoners who work more than 8 hours in a day to have the excess hours credited toward another day for purposes of receiving "earned good time" if permitted by the Commissioner of Corrections or the sheriff of the county jail.

Sections 4 and 5 provide that the Commissioner of Corrections may access records, including the records of detained persons, as part of the inspection process for county and municipal detention facilities.

Section 6 allows Department of Corrections investigative officers to issue administrative subpoenas if authorized to do so by the Commissioner of Corrections and the Attorney General.

Section 7 makes clear that "gate money" given to a prisoner by the Department of Corrections upon release is not subject to victim restitution, facility disciplinary restitution or facility monetary sanctions.

Sections 8 and 9 make clear that prisoners who are admitted to a Department of Health and Human Services psychiatric hospital from a Department of Corrections facility may not receive a privilege at the hospital while still in legal custody of the Department of Corrections facility.

### **Committee Amendment "A" (H-125)**

This amendment makes several changes to the bill. It clarifies that the records that the Commissioner of Corrections may access for inspections include records of committed as well as detained persons. It amends 2 provisions that were inadvertently left out of the bill that add to the Maine Criminal Code provisions defining gross sexual assault and unlawful sexual contact to include sexual conduct with a sex offender on supervised release, a prisoner on supervised community confinement or a juvenile on community reintegration status when the actor has supervisory or disciplinary authority over that person. Finally, the amendment clarifies that it is the Commissioner of Corrections who determines whether a person may receive a privilege under the Maine Revised Statutes, Title 34-A, section 3069.

### **Enacted Law Summary**

Public Law 2007, chapter 102 amends the laws relating to the Department of Corrections as follows.

It adds to the Maine Criminal Code provisions defining gross sexual assault and unlawful sexual contact to include sexual conduct with any of the following when the actor has supervisory or disciplinary authority of one of the following: a sex offender on supervised release, a prisoner on supervised community confinement or a juvenile on community reintegration status.

It allows prisoners who work more than 8 hours in a day to have the excess hours credited toward another day for purposes of receiving "earned good time" if permitted by the Commissioner of Corrections or the sheriff of the county jail.

It provides that the Commissioner of Corrections may access records, including the records of detained and committed persons, as part of the inspection process for county and municipal detention facilities.

It allows Department of Corrections investigative officers to issue administrative subpoenas if authorized to do so by the Commissioner of Corrections and the Attorney General.

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

It clarifies that "gate money" given to a prisoner by the Department of Corrections upon release is not subject to victim restitution, facility disciplinary restitution or facility monetary sanctions.

It clarifies that prisoners who are admitted to a Department of Health and Human Services psychiatric hospital from a Department of Corrections facility may not receive a privilege at the hospital while still in legal custody of the Department of Corrections and clarifies that it is the Commissioner of Corrections who determines whether a person may receive a privilege under the Maine Revised Statutes, Title 34-A, section 3069.

### **LD 720 An Act To Clarify What Constitutes a Schedule W Drug**

**PUBLIC 55**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A	OTP	

This bill clarifies current drug law by specifying that a compound, mixture or preparation that contains a narcotic drug is considered a narcotic drug for purposes of classification as a Schedule W drug and determining the class of crime for possession of that drug, either in its pure form or as a compound, mixture or preparation.

#### **Enacted Law Summary**

Public Law 2007, chapter 55 clarifies current drug law by specifying that a compound, mixture or preparation that contains a narcotic drug is considered a narcotic drug for purposes of classification as a Schedule W drug and determining the class of crime for possession of that drug, either in its pure form or as a compound, mixture or preparation.

### **LD 769 An Act To Establish the Missing Senior Citizen Alert Program**

**DIED BETWEEN  
HOUSES**

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

This bill establishes the Missing Senior Citizen Alert Program, which establishes within the Department of Public Safety a clearinghouse or central repository of information related to missing senior citizens. For purposes of the bill a "missing senior citizen" is defined as a person 60 years of age or older whose temporary or permanent residence is or is believed to be in Maine, whose location is not determined and whose disappearance poses a credible threat to the safety and health of that person as determined by a local law enforcement agency. The Commissioner of the Department of Public Safety shall appoint a director to supervise the clearinghouse and shall establish services appropriate to aid in the location of missing senior citizens. Law enforcement agencies shall submit reports they receive regarding missing senior citizens to the clearinghouse, and family members or legal guardians may submit reports of missing senior citizens to the clearinghouse. The commissioner shall adopt routine technical rules to implement this new program.

#### **Committee Amendment "A" (H-196)**

This amendment is the minority report of the Joint Standing Committee on Criminal Justice and Public Safety and replaces the bill. The amendment expands the missing senior citizens alert program created in the bill to include persons with disabilities who have impaired mental conditions. The amendment maintains all the features of the program as created in the bill, except that the clearinghouse director position is eliminated and the list of persons who may submit a missing persons report under the program is expanded to include the missing person's agent under a health care power of attorney and the person's health care provider. The amendment also adds a mandate preamble.