

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
123<sup>RD</sup> LEGISLATURE  
SECOND REGULAR AND FIRST SPECIAL SESSIONS



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

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

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**STAFF:**

MARION HYLAN BARR, LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670

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**STATE OF MAINE**  
123<sup>RD</sup> LEGISLATURE  
SECOND REGULAR & FIRST SPECIAL SESSIONS



**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 Second Regular or First Special Sessions of the 123<sup>rd</sup> Maine Legislature.

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:

<i>CON RES XXX</i> .....	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i> .....	<i>House &amp; Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i> .....	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i> .....	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i> .....	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i> .....	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i> .....	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i> .....	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PUBLIC XXX</i> .....	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i> .....	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i> .....	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session (R2) is June 30, 2008. The effective date for non-emergency legislation enacted in the First Special Session (S1) is July 18, 2008.<sup>1</sup> The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills. Any bill summarized in this document having an LD number less than 1932 was a bill carried over from the First Regular Session of the 123<sup>rd</sup> Legislature.

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<sup>1</sup> The session in which each law was enacted or finally passed (R2 or S1) is included in Appendix C.

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

State as an adult or as a juvenile sentenced as an adult for a sex offense or a sexually violent offense on or after June 30, 1992; on or after January 1, 1982 and prior to June 30, 1992, if that person remained in execution of that sentence on September 1, 1998 or has more than one conviction in this State for a Class A sex offense or sexually violent offense or more than one conviction in another jurisdiction for an offense that contains the essential elements of a Class A sex offense or sexually violent offense whether or not the convictions occurred on the same date and at the time of offense, the person had been previously sentenced in this State as an adult or as a juvenile sentenced as an adult for a sex offense or a sexually violent offense and at the time of offense, the person had been previously sentenced in another jurisdiction as an adult or as a juvenile sentenced as an adult for an offense that contains the essential elements of a sex offense or a sexually violent offense or unless the registrant is sentenced in another jurisdiction as an adult or as a juvenile sentenced as an adult at any time for an offense that requires registration in the jurisdiction of conviction pursuant to that jurisdiction's sex offender registration laws or that would have required registration had the person remained there; on or after June 30, 1992 for an offense that contains the essential elements of a sex offense or sexually violent offense; on or after January 1, 1982 and prior to June 30, 1992 for an offense that contains the essential elements of a sex offense or sexually violent offense if that person remained in execution of that sentence on September 1, 1998, has more than one conviction in this State for a Class A sex offense or sexually violent offense or more than one conviction in another jurisdiction for an offense that contains the essential elements of a Class A sex offense or Class A sexually violent offense whether or not the convictions occurred on the same date, at the time of offense had been previously sentenced in this State as an adult or as a juvenile sentenced as an adult for a sex offense or a sexually violent offense or at the time of offense had been previously sentenced in another jurisdiction as an adult or as a juvenile sentenced as an adult for an offense that contains the essential elements of a sex offense or a sexually violent offense; or at any time for a military, tribal or federal offense requiring registration.

Part C of this amendment also adds an appropriations and allocations section.

This amendment was not adopted.

### **Senate Amendment "A" (S-669)**

This amendment removes the appropriations and allocations section.

### **LD 856 An Act To Reduce Drunk Driving**

**PUBLIC 531**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY	OTP-AM	S-446

This bill allows the Secretary of State to reinstate the license of a person convicted of more than one violation of the operating under the influence laws if the person installs an approved ignition interlock device. An ignition interlock device is a device that connects a breath analyzer to a motor vehicle's ignition system. The analyzer monitors the concentration of alcohol in the breath of any person who attempts to start the motor vehicle by using the ignition system. The device prevents the vehicle from starting unless the person provides a breath sample with a concentration of alcohol that is below a preset level.

This bill was carried over by joint order, H.P. 1369.

### **Committee Amendment "A" (S-446)**

This amendment replaces the bill. The amendment increases license suspension periods for OUI offenses. The amendment allows the Secretary of State to reinstate the license of a person with 2 OUI offenses after 9 months of the 3-year suspension period has run if the person installs an ignition interlock device on the motor vehicle the person operates for a period of 2 years and the person also satisfies all other requirements for license reinstatement imposed by the Secretary of State. The amendment also allows the Secretary of State to reinstate the license of a

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person with 3 OUI offenses after 3 years of the 6-year suspension period has run if the person installs an ignition interlock device on the motor vehicle the person operates for a period of 3 years and the person also satisfies all other requirements for license reinstatement imposed by the Secretary of State. A person with 4 or more OUI offenses must have an ignition interlock device installed on the motor vehicle the person operates for a period of 4 years after the full period of license suspension has expired and must also satisfy all other requirements for license reinstatement imposed by the Secretary of State in order to have a license reinstated.

As in the bill, the amendment defines an ignition interlock device as a device that connects a breath analyzer to a motor vehicle's ignition system. The analyzer monitors the concentration of alcohol in the breath of any person who attempts to start the motor vehicle by using the ignition system. The device prevents the vehicle from starting unless the person provides a breath sample with a concentration of alcohol that is below a preset level.

The amendment specifies that a person whose license is reinstated contingent upon installation of an ignition interlock device and who operates a motor vehicle without an ignition interlock device or tampers with, disconnects or disables an ignition interlock device or circumvents the operation of an ignition interlock device commits a Class E crime, which is a strict liability crime as defined in the Maine Revised Statutes, Title 17-A, section 34, subsection 4-A. The sentence for this crime must include a period of incarceration of not less than 7 days and a fine of not less than \$500. These penalties may not be suspended. All other violations involving ignition interlock devices are traffic infractions.

The amendment removes from the bill the proposed increased motor vehicle liability insurance requirement for persons seeking early reinstatement of a driver's license by participating in the ignition interlock device program. The amendment increases the license reinstatement fee from \$35 to \$50 for persons whose suspension is for OUI or failure to submit to a test.

The amendment provides that a person may be classified as an habitual offender if the person's license is reinstated contingent on use of an ignition interlock device and that person operates a motor vehicle without an ignition interlock device; tampers with or circumvents the operation of an ignition interlock device; or requests or solicits another person to blow into or otherwise activate an ignition interlock device for the purpose of providing the person with an operable motor vehicle.

The amendment adds an application section, which specifies that this Act applies only to OUI offenses occurring after August 31, 2008. The amendment also adds an effective date of September 1, 2008, which gives the Secretary of State time to contract with an ignition interlock device vendor and prepare to administer and enforce the new program. The amendment adds an appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2007, chapter 531 allows the Secretary of State to reinstate the license of a person with 2 OUI offenses after 9 months of the 3-year suspension period has run if the person installs an ignition interlock device on the motor vehicle the person operates for a period of 2 years and the person also satisfies all other requirements for license reinstatement imposed by the Secretary of State. Public Law 2007, chapter 531 also allows the Secretary of State to reinstate the license of a person with 3 OUI offenses after 3 years of the 6-year suspension period has run if the person installs an ignition interlock device on the motor vehicle the person operates for a period of 3 years and the person also satisfies all other requirements for license reinstatement imposed by the Secretary of State. A person with 4 or more OUI offenses must have an ignition interlock device installed on the motor vehicle the person operates for a period of 4 years after the full period of license suspension has expired and must also satisfy all other requirements for license reinstatement imposed by the Secretary of State in order to have a license reinstated.

Public Law 2007, chapter 531 specifies that a person whose license is reinstated contingent upon installation of an ignition interlock device and who operates a motor vehicle without an ignition interlock device or tampers with, disconnects or disables an ignition interlock device or circumvents the operation of an ignition interlock device commits a Class E crime, which is a strict liability crime as defined in the Maine Revised Statutes, Title 17-A,

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section 34, subsection 4-A. The sentence for this crime must include a period of incarceration of not less than 7 days and a fine of not less than \$500. These penalties may not be suspended. All other violations involving ignition interlock devices are traffic infractions.

Public Law 2007, chapter 531 increases the license reinstatement fee from \$35 to \$50 for persons whose suspension is for OUI or failure to submit to a test.

Public Law 2007, chapter 531 provides that a person may be classified as an habitual offender if the person's license is reinstated contingent on use of an ignition interlock device and that person operates a motor vehicle without an ignition interlock device; tampers with or circumvents the operation of an ignition interlock device; or requests or solicits another person to blow into or otherwise activate an ignition interlock device for the purpose of providing the person with an operable motor vehicle.

Public Law 2007, chapter 531 applies only to OUI offenses occurring after August 31, 2008.

## **LD 1240 An Act To Implement the Recommendations of the Criminal Law Advisory Commission**

**PUBLIC 475**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-651

This bill is proposed by the Criminal Law Advisory Commission and does the following.

Section 1 of the bill repeals Title 14, section 3141, subsection 2 because experience has demonstrated that mandatory notice at the time of the defendant's initial appearance is ineffective in securing fine payment in full at the time of sentence imposition. Section 2 of the bill adds a requirement in section 3141, subsection 4 that the order issued by the court include a clear directive to the defendant that the defendant has a legal duty to move the court for a modification of time or method of payment of the fine to avoid a default.

Section 3 of the bill enacts the Maine Revised Statutes, Title 15, section 103-A, subsection 1, which directs that in the event a person who is found not criminally responsible by reason of insanity or is the recipient of a negotiated insanity plea as to a Maine crime is subject to an undischarged straight term of imprisonment or an unsuspended portion of a split sentence for a different Maine crime, the person must serve the undischarged term of imprisonment or the unsuspended portion of the split sentence before commencing the commitment to the Commissioner of Health and Human Services ordered by the court pursuant to section 103. Once having fully served the term of imprisonment or unsuspended portion of a split sentence, the person must commence the commitment ordered notwithstanding being on conditional release.

Title 15, section 103-A, sub-section 2 also directs that in the event a person who has entered into the custody of the Commissioner of Health and Human Services pursuant to a commitment order either violates a condition of release and new institutional confinement is ordered or commits a Maine crime for which the person is subsequently convicted and the sentence imposed includes a straight term of imprisonment or a split sentence, the person must be placed in execution of that punishment and custody pursuant to the commitment order is automatically interrupted. In the event execution of that punishment is stayed pending appeal, the commitment will be automatically interrupted once that stay terminates and the person is placed in execution of the punishment. The commitment will be resumed when the new institutional confinement ordered or the straight term of imprisonment or the unsuspended portion of the split sentence imposed has been fully served. Title 15, section 103-A, subsection 3 directs that, while a person is imprisoned in execution of the punishment described in section 103-A, the county jail or state facility in which the person is incarcerated must provide the necessary mental health treatment required under law, including, when appropriate, seeking involuntary psychiatric hospitalization.