

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**

July 2007

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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

The amendment strikes sections from the bill that pertain to defenses to maintain the current statutory language, "defendant."

Enacted Law Summary

Public Law 2007, chapter 173 was submitted by the Criminal Law Advisory Committee. It amends Part 1 (General Principles) of the Maine Criminal Code to make it gender-neutral.

LD 992 *Resolve, To Increase Highway Safety by Establishing a Dangerous Driver Hotline* **ONTP**

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

This resolve directs the Department of Public Safety to establish, maintain and advertise a toll-free telephone number, of preferably 3 digits, that a person may call to report a dangerous driver.

LD 997 *An Act Imposing Increased Responsibility for Registered Owners of Motor Vehicles* **ONTP**

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

This bill establishes a presumption that a person who is a registered owner of a vehicle at the time the vehicle is involved in a violation of the laws requiring a person to stop a vehicle at the request of a law enforcement officer (Title 29-A, section 2414) commits a traffic infraction. This bill mirrors the law for passing a stopped school bus, including the same owner defenses.

LD 1000 *An Act To Increase Firearm Safety on College Campuses* **ACCEPTED ONTP REPORT**

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

This bill authorizes all public colleges and universities to regulate the possession of firearms on their campuses. Current law, Title 25, section 2001 specifies that only the State has authority to regulate firearms, with the exception of municipal discharge ordinances.

LD 1031 *An Act To Amend the Fingerprinting Law* **ONTP**

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

This bill changes the law requiring that the Maine State Police take the fingerprints of applicants to a school system by allowing the applicant's municipal law enforcement agency or county sheriff to take the fingerprints and send

Joint Standing Committee on Criminal Justice and Public Safety

them on to the State Bureau of Identification.

LD 1039 Resolve, Directing the Maine Criminal Justice Academy Board of Trustees To Develop and Implement Law Enforcement Training Regarding the Determination of the Predominant Aggressor in Domestic Violence Situations

RESOLVE 98

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON STRIMLING	OTP-AM	H-461

Current law requires law enforcement agencies to adopt written policies regarding procedures dealing with the domestic violence, including at a minimum a process to ensure notice to a victim of a defendant's release from jail, a process for the collection of information regarding the defendant's history and a process to relay that information to a bail commissioner before a bail determination is made and a process for the safe retrieval of personal property belonging to the victim or defendant. This bill adds one more element to the written policies for domestic violence by requiring adoption of a written policy that contains a process to evaluate and determine who is the predominant physical aggressor in a domestic violence situation.

Committee Amendment "A" (H-461)

This amendment replaces the bill with a resolve. The resolve directs the Board of Trustees of the Maine Criminal Justice Academy to establish and implement training regarding the determination of predominant aggressors in domestic violence situations for law enforcement officers no later than June 30, 2008. The resolve also directs the board of trustees to report its progress regarding this effort to the Joint Standing Committee on Criminal Justice and Public Safety no later than April 1, 2008.

Enacted Law Summary

Resolve 2007, chapter 98 directs the Board of Trustees of the Maine Criminal Justice Academy to establish and implement training regarding the determination of predominant aggressors in domestic violence situations for law enforcement officers no later than June 30, 2008. The resolve also directs the board of trustees to report its progress regarding this effort to the Joint Standing Committee on Criminal Justice and Public Safety no later than April 1, 2008.

LD 1078 An Act To Amend the OUI Laws Regarding the Use of Immunoassays

ONTP

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

This bill amends the motor vehicle laws concerning the evidentiary rules that govern immunoassay detection tests for drug levels of a driver.

LD 1085 An Act To Improve the Laws Concerning the Management by Law Enforcement Agencies of Unclaimed, Lost or Stolen Personal Property

ONTP

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