

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

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>
GERZOFSKY	ONTP	

Joint Standing Committee on Criminal Justice and Public Safety

This bill provides law enforcement agencies greater latitude and discretion in how they manage unclaimed, abandoned, lost or stolen personal property in their respective custodies. The bill decreases the amount of time an owner is allowed to claim abandoned, lost or stolen property and allows a law enforcement agency to advertise its possession of such property on its publicly accessible website rather than in a newspaper. The bill also allows law enforcement agencies to donate such property to charity or dispose of the property as waste as alternatives to holding a sale of the property at a public auction.

LD 1111 An Act To Protect Children by Requiring Trigger Locks on Handguns

ONTP

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

This bill prohibits firearm dealers from selling handguns unless the guns are equipped with trigger locks.

LD 1127 An Act To Decriminalize Certain Actions BY REQUEST

ONTP

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

Notwithstanding the current crime of trespass, this bill creates a civil trespass, which is a violation when the trespasser poses no threat or danger and gives no resistance to law enforcement officials. In such cases, a fine of \$100 or community service work may be imposed. The bill also creates a new crime of civil disobedience, which, notwithstanding the crime of obstructing government administration (Title 17-A, section 751), is when a person for political purposes actively refuses to obey certain laws, demands and commands of a government without resorting to physical violence. This bill makes civil disobedience a Class E crime but limits its potential sentencing alternatives to only a fine of \$100 or community service work. A Class E crime may otherwise be punishable by sentencing alternatives including up to 6 months imprisonment, up to \$1,000 in fines, deferred disposition and administrative release.

LD 1166 An Act To Reduce the OUI Limit to .06

ONTP

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

This bill reduces the blood-alcohol limit that determines operating under the influence from 0.08% to 0.06%.

LD 1183 An Act To Clarify Public Safety Laws Regarding the Disclosure of Information and the Storage of Evidence, To Reauthorize the United States Secret Service To Enforce Certain State Laws and To Allow Designees To Serve on the Maine Communications System Policy Board

PUBLIC 209

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY	OTP-AM	H-264