

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

This bill does the following.

1. It establishes the state of mind that must accompany the disclosure of confidential information regarding E-9-1-1 calls or recordings in order for such disclosure to be a crime.
2. It makes the law regarding the place at which forensic examination kits are to be stored reflective of and consistent with actual storage practices.
3. It updates references to federal agencies to reflect their placement into the Department of Homeland Security.
4. It renews until July 1, 2009 the authority previously granted to the United States Secret Service of the Department of Homeland Security to enforce laws of the State. The authority previously granted to that agency was repealed on July 1, 2004.
5. It authorizes a designee of the Commissioner of Public Safety, a designee of the Chief of the State Police and a designee of the Chief Information Officer to serve in place of the commissioner, chief or Chief Information Officer, respectively, on the Maine Communications System Policy Board.

Committee Amendment "A" (H-264)

This amendment removes the sunset provision from sections in the bill related to the authority of the United States Secret Service of the Department of Homeland Security to enforce the laws of the State. The amendment also clarifies in the provisions related to evidence storage that the investigating agency shall take possession of forensic examination kits in cases involving gross sexual assault.

Enacted Law Summary

LD 2007, chapter 209 does the following.

1. It establishes the state of mind that must accompany the disclosure of confidential information regarding E-9-1-1 calls or recordings in order for such disclosure to be a crime.
2. It makes the law regarding the place at which forensic examination kits are to be stored reflective of and consistent with actual storage practices and clarifies in the provisions related to evidence storage that the investigating agency shall take possession of forensic examination kits in cases involving gross sexual assault.
3. It updates references to federal agencies to reflect their placement into the Department of Homeland Security.
4. It renews indefinitely the authority previously granted to the United States Secret Service of the Department of Homeland Security to enforce laws of the State. The authority previously granted to that agency was repealed on July 1, 2004.
5. It authorizes a designee of the Commissioner of Public Safety, a designee of the Chief of the State Police and a designee of the Chief Information Officer to serve in place of the commissioner, chief or Chief Information Officer, respectively, on the Maine Communications System Policy Board.

LD 1197

Resolve, To Prepare for any Statewide or Regional Emergency

**ACCEPTED ONTP
REPORT**

Sponsor(s)
MARRACHE

Committee Report
ONTP MAJ
OTP MIN

Amendments Adopted

Joint Standing Committee on Criminal Justice and Public Safety

This resolve requires the Director of the Maine Emergency Management Agency within the Department of Defense, Veterans and Emergency Management to develop a plan to implement statewide and regional preparedness drills for any statewide or regional emergency, including, but not limited to, nuclear attack.

**LD 1201 An Act To Amend the Forfeiture and Property Seizure Laws BY
REQUEST**

ONTP

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

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

This bill proposes to expand the crimes for which drug-related forfeitures and seizures of assets may be performed.

LD 1206 An Act To Amend the Motor Vehicle Laws Concerning Work Licenses

ONTP

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

Current law requires that a person seeking a special restricted license for employment purposes needs to file an application that: includes a signed, notarized statement from the applicant or applicant's parent or guardian; is necessary for transportation to and from or in connection with work; and includes verification of employment from employer. This bill transfers the application process and restrictions for a special restricted license based upon employment need from the motor vehicle laws to the discretion of the Secretary of State. The bill directs the Secretary of State to adopt major substantive rules to establish the application process and restrictions for a special restricted license for employment.

**LD 1228 An Act To Create a Certificate of Need Process for the Construction of
Correctional Facilities**

ONTP

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

This bill requires that a county apply for a certificate of need from the Department of Corrections before the county may construct or expand a correctional facility. The bill lists the criteria that the Department of Corrections must consider before issuing a certificate of need.

LD 1229 An Act To Prohibit Sex Offenders from Areas around Schools

ONTP

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