

# 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*

recommitted to the Committee on Criminal Justice and Public Safety.

## **Committee Amendment "A" (H-314)**

This amendment removes and replaces a bill section to reflect a change to the law already made this session.

LD 1241 was carried over by joint order, H.P. 1369 after being removed from the Special Appropriations Table and recommitted to the Committee on Criminal Justice and Public Safety.

## **LD 1290 An Act To Enhance Enforcement of Public Health Measures**

**PUBLIC 359**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLER	OTP-AM	H-521

This bill establishes the Class D crime of intentionally, knowingly or recklessly violating a public health measure or prescribed care order during a period of declared extreme public health emergency. In addition, this bill permits a warrantless arrest of a person who an officer has probable cause to believe is committing or has committed a violation of a public health measure or prescribed care order. The bill amends the discharge provision for those committed to a facility for treatment in public health measure situations by adding references to the review process for treatment orders by the department (Title 22, section 813) and by the court in extreme public health emergencies (Title 22, section 820). LD 1290 creates a new provision in Title 30-A, section 1560 (removal for disease) regarding transportation and medical care for a prisoner subject to a public health measure order, which specifies that that a sheriff may transport the prisoner outside the State for medical care if ordered by the court. The Department of Health and Human Services would pay for the costs of transportation and compensation to the officers.

## **Committee Amendment "A" (H-521)**

This amendment deletes sections 1 and 2 of the bill. The amendment authorizes the issuance of an arrest warrant by the Superior Court in the event of a violation of a public health measure or prescribed care order. Transportation of persons detained or committed to county jails or correctional facilities to out-of-state treatment facilities pursuant to court order is authorized. The amendment also requires the Department of Health and Human Services, in consultation with the Department of Public Safety, the Maine Emergency Management Agency, the Office of the Attorney General, the Criminal Law Advisory Commission and the Maine Sheriffs' Association, to evaluate present procedures for placing persons in violation of public health orders into custody, to review the feasibility of establishing an in-state or out-of-state secure residential treatment facility for persons determined to pose imminent significant public health risks, to evaluate methods to improve the execution of arrest warrants for persons determined to be in violation of court public health measures and court and departmental orders for prescribed care and to report its findings and recommendations to the Joint Standing Committee on Criminal Justice no later than January 31, 2008. Upon receipt of the recommendations, the Joint Standing Committee on Criminal Justice and Public Safety may submit implementing legislation if necessary.

## **Enacted Law Summary**

Public Law 2007, chapter 359 authorizes the issuance of an arrest warrant by the Superior Court in the event of a violation of a public health measure or prescribed care order. Transportation of persons detained or committed to county jails or correctional facilities to out-of-state treatment facilities pursuant to court order is authorized. The amendment also requires the Department of Health and Human Services, in consultation with the Department of Public Safety, the Maine Emergency Management Agency, the Office of the Attorney General, the Criminal Law Advisory Commission and the Maine Sheriffs' Association, to evaluate present procedures for placing persons in violation of public health orders into custody, to review the feasibility of establishing an in-state or out-of-state secure residential treatment facility for persons determined to pose imminent significant public health risks, to evaluate methods to improve the execution of arrest warrants for persons determined to be in violation of court public health measures and court and departmental orders for prescribed care and to report its findings and

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

recommendations to the Joint Standing Committee on Criminal Justice no later than January 31, 2008. Upon receipt of the recommendations, the Joint Standing Committee on Criminal Justice and Public Safety may submit implementing legislation if necessary.

**LD 1291      **Resolve, To Create the Commission To Aid Municipalities in Consolidating Public Safety Organizations**      **ONTP****

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

This resolve establishes the Commission to Aid Municipalities in Consolidating Public Safety Organizations to study ways to implement the consolidation of municipal public safety organizations into regional public safety organizations.

**LD 1321      **Resolve, To Require the Office of Program Evaluation and Government Accountability To Provide Audit and Oversight Services Regarding Medical and Dental Services Provided in the County Jails and State Prisons**      **ONTP****

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

This resolve requires the Office of Program Evaluation and Government Accountability to provide audit and oversight services regarding medical and dental services provided in the county jails and the state prison system and report its findings to the Joint Standing Committee on State and Local Government in the Second Regular Session of the 123rd Legislature.

The committee did not pass this bill, as the Office of Program Evaluation and Government Accountability plans to study the adult criminal justice system's resources pursuant to its Biennial Work Plan.

**LD 1323      **Resolve, To Require the Department of Public Safety To Determine the Requirements for Regional Firefighters Concerning Assisting Other Municipalities**      **ONTP****

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

This resolve directs the Department of Public Safety to study, and report to the Legislature with suggested legislation concerning, the issue of firefighters who respond to fires outside their municipality. The report will consider what risks and liabilities are faced by the firefighters and the municipalities and include legislation to protect the parties and encourage the sharing of resources in firefighting in rural areas of the State.

The committee did not pass this bill but has requested that the Office of the Fire Marshal continue to work with fire departments to ensure all departments have written mutual aid agreements that specify liability coverage.