

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD 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 123rd Maine
Legislature coming from the

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

May 2008

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STATE OF MAINE
123RD 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 123rd 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 & 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&S XXX</i>	<i>Chapter # of enacted Private & 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, 2008.¹ 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 123rd Legislature.

¹ 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

This amendment rewrites the Maine Revised Statutes, Title 15, section 891, which deals with accord and satisfaction, to clarify the purpose of the statute and to repeal archaic language and references. It also clarifies the intent of the bill, which is to preclude the use of the accord and satisfaction provision on corrections employees. The amendment also clarifies the roles of the Commissioner of Corrections, the Commissioner of Health and Human Services and the courts in the placement of juveniles who are more appropriately the subject for intensive treatment services that are available and provided by or through the Department of Health and Human Services, instead of placement in the Department of Corrections.

Enacted Law Summary

Public Law 2007, chapter 536 clarifies the purpose of the accord and satisfaction statute and repeals archaic language and references within that statute. It also precludes the use of the accord and satisfaction provision on corrections employees.

Public Law 2007, chapter 536 specifies the maximum period of confinement if a juvenile is found in contempt of a court when a remedial or punitive sanction is imposed. It clarifies that if a person who has attained 18 years of age is to serve time in confinement in a juvenile facility as a punitive or remedial sanction for contempt under the Maine Juvenile Code, that time is limited to 30 days for each type of sanction, just as it is for a person who has not attained 18 years of age. This clarifies that there is a time limit if a court does not exercise its option under the Maine Revised Statutes, Title 15, section 3205, subsection 2 for a person who has attained 18 years of age but not 21 years of age for ordering time in confinement for contempt to be served at a county jail.

Public Law 2007, chapter 536 permits the Commissioner of Corrections to waive the work or education requirement for a prisoner who is participating in a full-time treatment program while on supervised community confinement. Public Law 2007, chapter 536 also simplifies the funeral and deathbed visit provisions and adds domestic partner to the list of persons to whom a prisoner may make deathbed visits or whose funerals a prisoner may attend.

Public Law 2007, chapter 536 clarifies the roles of the Commissioner of Corrections, the Commissioner of Health and Human Services and the courts in the placement of juveniles who are more appropriately the subject for intensive treatment services that are available and provided by or through the Department of Health and Human Services, instead of placement in the Department of Corrections.

LD 1981 An Act To Ensure Legislative Review of Fire Sprinkler Rules

PUBLIC 632

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-471 S-592 MARTIN

LD 1981 exempts nonresidential buildings in existence on January 1, 2007 from more stringent fire sprinkler requirements than those in effect on January 1, 2007. It also requires the Commissioner of Public Safety to make copies of the requirements in effect on January 1, 2007 available to the public.

Committee Amendment "A" (S-471)

The amendment replaces the bill. It requires that rules pertaining to the fire safety of certain buildings and of mass gatherings are routine technical rules, but that those relating to fire sprinklers are major substantive rules subject to legislative review.

Senate Amendment "A" (S-592)

This amendment provides that rules and policies pertaining to fire sprinklers that implement the National Fire Protection Association 2006 Life Safety Code adopted by the State Fire Marshal on or after September 1, 2007 are major substantive rules and specifies that this provision applies retroactively to September 1, 2007.

Joint Standing Committee on Criminal Justice and Public Safety

Enacted Law Summary

Public Law 2007, chapter 632 provides that rules and policies pertaining to fire sprinklers that implement the National Fire Protection Association 2006 Life Safety Code adopted by the State Fire Marshal are major substantive rules subject to legislative review. This provision applies retroactively to September 1, 2007.

LD 1990 **Resolve, To Prevent Domestic Violence and Protect Our Citizens**

**RESOLVE 196
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN	OTP-AM	S-525

This resolve directs the Domestic Abuse Homicide Review Panel, established in the Maine Revised Statutes, Title 19-A, section 4013, subsection 4, to undertake a comprehensive review of the measures currently in place to support and protect victims and potential victims of domestic violence. In addition, the panel is directed to review the provisions of the criminal code related to domestic violence. The panel is authorized to submit a report of its findings, including any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters.

Committee Amendment "A" (S-525)

This amendment replaces the resolve with an emergency resolve and directs the Department of Public Safety to undertake a review of the measures currently in place to support and protect victims and potential victims of domestic violence and to determine how to increase and develop strategies for the protection of victims of domestic violence and for improvement of the criminal justice system response and how to find and access services. The Department of Public Safety is also directed to review the effectiveness of provisions of the Maine Criminal Code related to domestic violence.

The Department of Public Safety shall submit a report of its findings, including any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters, which may submit legislation upon receiving the report. The resolve also directs the Department of Public Safety to endeavor to secure outside funding to undertake this review and to limit its work to that which can be accomplished from sources other than appropriations from the General Fund or Highway Fund.

Enacted Law Summary

Resolve 2007, chapter 196 directs the Department of Public Safety to undertake a review of the measures currently in place to support and protect victims and potential victims of domestic violence and to determine how to increase and develop strategies for the protection of victims of domestic violence and for improvement of the criminal justice system response and how to find and access services. The Department of Public Safety is also directed to review the effectiveness of provisions of the Maine Criminal Code related to domestic violence.

The Department of Public Safety shall submit a report of its findings, including any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters, which may submit legislation upon receiving the report. The resolve also directs the Department of Public Safety to endeavor to secure outside funding to undertake this review and to limit its work to that which can be accomplished from sources other than appropriations from the General Fund or Highway Fund.

Resolve 2007, chapter 196 was an emergency measure effective April 11, 2008.