

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

or county jail downsized or closed pursuant to Title 34-A, section 1803, subsection 2, paragraph C remains the property of the State or county, respectively.

Public Law 2007, chapter 653 also establishes an operating reserve account within the State Board of Corrections Investment Fund for county jail budget growth during the counties' 2009-10 fiscal year. The Commissioner of Corrections shall submit a plan to the Governor and Commissioner of Administrative and Financial Services for the inclusion of a \$1,500,000 appropriation to the operating reserve account of the State Board of Corrections Investment Fund in a supplemental or biennial budget bill authorizing appropriations and allocations for the 2009-10 fiscal year.

Public Law 2007, chapter 653 was enacted as an emergency measure effective April 18, 2008.

LD 2081 An Act To Prohibit the Retail Sale and Distribution of Novelty Lighters

**PUBLIC 510
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYKES	OTP-AM	H-704

LD 2081 prohibits a person from selling or distributing for retail sale in Maine novelty lighters, which are lighters that are designed to appear to be a toy, feature a flashing light or make musical sounds. Violation is a civil infraction.

Committee Amendment "A" (H-704)

This amendment clarifies that a novelty lighter does not include a lighter incapable of being fueled. The bill stated that a lighter lacking fuel was not a novelty lighter, which allowed for the possibility that such a lighter and a device to light it could be sold separately. The amendment also clarifies that a novelty lighter does not include a device that is primarily used to light a fireplace or grill. The amendment adds language to prohibit stocking the product on retail shelves and on offering a novelty lighter as a promotion with another retail product.

Enacted Law Summary

Public Law 2007, chapter 510 prohibits a person from selling, stocking or distributing for retail sale in Maine novelty lighters, which are lighters that are designed to appear to be a toy, feature a flashing light or make musical sounds. The prohibition does not apply to a lighter incapable of being fueled or a device that is primarily used to light a fireplace or grill. A novelty lighter may not be offered as a promotion with another retail product. Violation is a civil infraction.

Public Law 2007, chapter 510 was enacted as an emergency measure effective March 24, 2008.

LD 2113 An Act To Implement the Recommendations of the Committee To Study the Prison Industries Program

**PUBLIC 503
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-705

LD 2113 creates the Prison Industries Advisory Council to help the Department of Corrections develop new marketing strategies and more diversified product lines and to identify methods to enhance programs and improve efficiency of operations throughout the prison industries system. It is the recommendation of the Committee To Study the Prison Industries Program pursuant to Joint Order 2007, H.P. 1334.

Committee Amendment "A" (H-705)

Joint Standing Committee on Criminal Justice and Public Safety

This amendment adds to the duties of the Prison Industries Advisory Council the duty to review the cost-benefit ratio of the prison industries programs.

Enacted Law Summary

Public Law 2007, chapter 503 creates the Prison Industries Advisory Council to help the Department of Corrections develop new marketing strategies and more diversified product lines, identify methods to enhance programs and improve efficiency of operations throughout the prison industries system, and review the cost-benefit ratio of the prison industries programs. It is the recommendation of the Committee To Study the Prison Industries Program pursuant to Joint Order 2007, H.P. 1334.

Public Law 2007, chapter 503 was enacted as an emergency measure effective March 19, 2008.

LD 2168 Resolve, Regarding Legislative Review of Portions of Chapter 15: Batterer Intervention Program Certification, a Major Substantive Rule of the Department of Corrections

**RESOLVE 167
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This resolve provides for legislative review of portions of Chapter 15: Batterer Intervention Program Certification, a major substantive rule of the Department of Corrections. The rule revises the procedures and standards governing the certification and monitoring of Batterer Intervention Programs.

Enacted Law Summary

Resolve 2007, chapter 167 provides for legislative review of portions of Chapter 15: Batterer Intervention Program Certification, a major substantive rule of the Department of Corrections. The rule revises the procedures and standards governing the certification and monitoring of Batterer Intervention Programs.

Resolve 2007, chapter 167 was enacted as an emergency measure effective March 26, 2008.

LD 2187 An Act To Allow Limited Charitable Solicitations by Law Enforcement Associations

PUBLIC 633

Sponsor(s)

Committee Report

Amendments Adopted

TARDY

OTP-AM

H-949

The current law enforcement solicitation law prohibits law enforcement agencies, law enforcement associations and law enforcement officers from soliciting from the general public when the property or any part of that property in any way tangibly benefits or is intended to tangibly benefit or is represented to be for the tangible benefit of any law enforcement officer, law enforcement agency or law enforcement association. The most recent substantive change in the solicitation law was made to allow persons who are not law enforcement officers and who have no financial interest at stake to solicit property from the general public for the tangible benefit of law enforcement officers, agencies and associations. Law enforcement officers, agencies and associations, as well as paid solicitors and solicitors who reimburse their expenses from the proceeds of soliciting are prohibited from soliciting for the benefit of law enforcement officers. The change to allow solicitation by private persons was scheduled to sunset in 2004, and the sunset was repealed after the Attorney general reported to the Legislature that there were no reports that this change in the solicitation law impeded the State's ability and compelling interest to prevent inherently coercive solicitations.

This bill repeals the current law enforcement solicitation law that prohibits a law enforcement agency, law