

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
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**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 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**

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

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