

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
124<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the First Regular Session of the 124<sup>th</sup> Maine Legislature coming from the

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

July 2009

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# STATE OF MAINE

124<sup>TH</sup> 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 First Regular Session of the 124<sup>th</sup> 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:

CARRIED OVER.....	Carried over to a subsequent session of the Legislature
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; bill died
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted; bill died
P&S XXX.....	Chapter # of enacted Private & Special Law
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

The effective date for non-emergency legislation enacted in the First Regular Session of the 124<sup>th</sup> Legislature is September 12, 2009. 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*

suspensions by the Secretary of State, as well as to court-ordered suspensions. The amendment also adds an emergency preamble and clause and makes the changes retroactive to September 1, 2008 when the ignition interlock law, Public Law 2007, chapter 531, took effect.

### **Enacted Law Summary**

Public Law 2009, chapter 54 corrects the inconsistency in the minimum periods of license suspension for repeat OUI offenders resulting from Public Law 2007, chapter 531. Public Law 2009, chapter 54 amends the OUI laws to treat OUI convictions rendered by jurisdictions other than the State the same as Maine OUI convictions for the purpose of increasing the class of crime for operating after habitual offender revocation and also amends the OUI laws to treat OUI convictions rendered by jurisdictions other than the State the same as Maine OUI convictions for purposes of the imposition of penalties for aggravated operating after habitual offender revocation. Public Law 2009, chapter 54 specifies that ignition interlock provisions apply to administrative motor vehicle license suspensions by the Secretary of State, as well as to court-ordered suspensions. Public Law 2009, chapter 54 was an emergency measure effective April 22, 2009.

After enactment, it was discovered that a substantive error existed. LD 180 unintentionally repealed the enhancement of the Class for operating after habitual offender revocation by deleting the language based on Public Law 2007, chapter 531. Public Law 2009, chapter 415, the enacted version of LD 1475, An Act to Correct Errors and Inconsistencies in the Laws of Maine, corrects drafting errors in LD 180, including reenacting the inadvertent repeal of that portion of Title 29-A, section 2558, subsection 2, paragraph B, which enhances the penalty for aggravated operating after habitual offender revocation if the driver had been once previously convicted of the same offense. Without this change, a second or subsequent offender could be prosecuted only for a Class D crime. Public Law 2009, Chapter 415 also limits the retroactivity provision of Public Law 2009, chapter 54 to the sections of Title 29-A that affect suspension of a motor vehicle license. Portions of the law that affect sentencing are not applied retroactively. Public Law 2009, chapter 415 was an emergency measure effective June 17, 2009.

**LD 185      An Act To Ensure Public Safety during High-speed Chases by Law Enforcement Officers**

**ONTP**

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

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to prohibit law enforcement officers from engaging in high-speed chases.

**LD 186      An Act Pertaining to the Possession of Animal Fighting Paraphernalia**

**DIED BETWEEN HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WAGNER R BLISS	ONTP MAJ OTP-AM MIN	

This bill amends the existing crime of viewing animal fighting by increasing it from a Class D to a Class C crime. The bill also creates the new Class C crime of possession of animal fighting paraphernalia. A person is guilty of this new crime if the person possesses, manufactures for sale, ships, transports or delivers a device or equipment used to train or condition an animal for participation in an animal fighting contest that the person knows or should have

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

known is intended for use in a show, exhibition, program or other activity featuring or otherwise involving a fight between 2 or more animals or an implement designed to be attached in place of a natural spur of a cock or other fighting bird in order to enhance the bird's fighting ability or ability to harm or kill another animal.

### **Committee Amendment "A" (H-44)**

This amendment is the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment does the following.

1. It amends the affirmative defense to prosecution under the Maine Revised Statutes, Title 17, section 1033 to include lawful animal competitions, field tests, field trials and shows and the training and use of law enforcement dogs.
2. It amends the new crime of possession of animal fighting paraphernalia to limit its application to devices and equipment solely used to train or condition animals for fighting and to situations in which a person knows or should have known the devices or equipment were intended for use in an animal fighting show or exhibition.
3. It also provides examples and descriptions of types of animal fighting paraphernalia.

This amendment was not adopted.

### **Senate Amendment "A" (S-122)**

This amendment amends the affirmative defense to prosecution under the Maine Revised Statutes, Title 17, section 1033 to include lawful animal competitions, field tests, field trials and shows and the training and use of law enforcement dogs. This amendment also amends the new crime of possession of animal fighting paraphernalia to change it to possession of a fighting pit. Possession of a fighting pit is described as the knowing possession, manufacture, transportation or delivery of a fighting pit, which is defined as a walled area intended to be used to contain a dogfight.

This amendment removes the provision in the bill that increased the class of crime for viewing animal fighting to a Class C crime and provided the same penalty for possession of animal paraphernalia. This amendment was not adopted.

### **Senate Amendment "B" (S-137)**

This amendment amends the affirmative defense to prosecution under the Maine Revised Statutes, Title 17, section 1033 to include lawful animal competitions, field tests, field trials and shows and the training and use of law enforcement dogs. This amendment also amends the new crime of possession of animal fighting paraphernalia to change it to possession of a fighting pit. Possession of a fighting pit is described as the knowing possession, manufacture, transportation or delivery of a fighting pit, which is defined as a walled area intended to be used to contain a dogfight.

This amendment removes the provision in the bill that increased the class of crime for viewing animal fighting to a Class C crime and decreases the penalty for possession of a fighting pit from a Class C crime as proposed in the bill to a Class D crime. This amendment was not adopted.