

# 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*

**LD 187**

**An Act To Require a Test for Operating Under the Influence for a Driver Involved in an Accident That Caused Bodily Injury**

**ACCEPTED ONTP  
REPORT**

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

Current law requires that the operator of a motor vehicle involved in an accident that results in or is likely to result in death to submit to a test to determine blood alcohol level or drug concentration. The investigating law enforcement officer is required to cause the test to be administered but has the discretion to determine the form of the test. This bill requires that if there is probable cause to believe that "apparent serious bodily injury" has occurred or will occur as a result of an accident, any vehicle operator involved in the accident must submit to a chemical test used to determine blood-alcohol level or drug concentration by analysis of blood, breath or urine.

The bill also amends the law regarding an operator's right to hearing on an administrative license suspension by the Secretary of State by adding the operator involved in an accident where there is apparent serious bodily injury as proposed by the bill. For purposes of this bill, "serious bodily injury" has the same meaning as found in Title 17-A, §2, sub-§23; "serious bodily injury" means a bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or loss or substantial impairment of the function of any bodily member or organ, or extended convalescence necessary for recovery of physical health.

**Committee Amendment "A" (H-175)**

This amendment is the minority report. The amendment specifies that for purposes of a motor vehicle accident, if there is probable cause to believe that a serious bodily injury has occurred or will occur as a result of the accident, an operator of a motor vehicle involved in the motor vehicle accident who the law enforcement officer has probable cause to believe caused the accident shall submit to a chemical test to determine blood-alcohol level or drug concentration in the same manner as for OUI. The amendment also clarifies that for purposes of a motor vehicle accident in which there is probable cause to believe that a death has or will occur as a result of the accident, each operator, whether living or deceased, of a motor vehicle involved in that motor vehicle accident must have a chemical test. This amendment also adds an appropriations and allocations section. This amendment was not adopted.

**LD 202**

**Resolve, Directing the Department of Corrections To Accept Bank Checks for Inmates**

**ONTP**

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

This bill requires the Department of Corrections to amend its rules to accept any check, except a personal check, without placing the check on hold for a period of 14 days.