

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



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

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

July 2009

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STATE OF MAINE

124TH LEGISLATURE
FIRST REGULAR SESSION



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 124th 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 124th 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 227 An Act To Raise the Fee a Bail Commissioner May Charge

PUBLIC 23

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

This bill raises the fee a bail commissioner is entitled to receive from \$40 to \$60.

Enacted Law Summary

Public Law 2009, chapter 23 raises the fee a bail commissioner is entitled to receive from \$40 to \$60.

LD 249 An Act Regarding Bail Defaults and the Extradition Account

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT P HASTINGS	OTP-AM	H-43

This bill raises the amount from \$20,000 to \$35,000 that a prosecutorial district is allowed to collect from forfeited bail.

Committee Amendment "A" (H-43)

This amendment incorporates a fiscal note.

LD 250 An Act To Streamline and Clarify Laws Pertaining to the Civil and Criminal Possession of Marijuana

PUBLIC 67

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT P GERZOFISKY	OTP-AM	H-42

Current law makes it a civil violation to possess less than 1 1/4 ounces of marijuana, and there is no criminal possession statute for possession of greater quantities. This bill makes possession of up to 4 ounces a civil violation; possession of over 4 and up to 8 ounces a Class E crime; possession of over 8 and up to 16 ounces a Class D crime; possession of over one pound up to 20 pounds a Class C crime; and possession over 20 pounds a Class B crime.

The bill specifies that fines for civil possession, none of which may be suspended, are \$350 for possession of up to 1 1/4 ounces and \$700 for over 1 1/4 ounces up to 4 ounces. Current law which requires a fine of \$550 for persons with a prior violation of the civil possession statute remains the same for persons who possess 1 1/4 ounces but increases to \$1,000 for persons who possess over 1 1/4 ounces to 4 ounces.

Committee Amendment "A" (H-42)

Joint Standing Committee on Criminal Justice and Public Safety

This amendment makes it a civil violation to possess up to 2 1/2 ounces of marijuana. The fines for possession of up to 1 1/4 ounces do not change, and fines for possession of up to 2 1/2 ounces must be not less than \$700 and not more than \$1,000. The amendment repeals penalties for prior civil violations, since the new fines are up to the same amount. The amendment also changes the permissible inference that a person is unlawfully furnishing marijuana by raising the amount from more than 1 1/4 ounces to more than 2 1/2 ounces to be consistent with the new criminal offense of possession of more than 2 1/2 ounces of marijuana.

Enacted Law Summary

Public Law 2009, chapter 67 makes it a civil violation to possess up to 2 1/2 ounces of marijuana. The fines for possession of up to 1 1/4 ounces do not change, and fines for possession of up to 2 1/2 ounces must be not less than \$700 and not more than \$1,000. Public Law 2009, chapter 67 repeals penalties for prior civil violations, since the new fines are up to the same amount. Public Law 2009, chapter 67 also changes the permissible inference that a person is unlawfully furnishing marijuana by raising the amount from more than 1 1/4 ounces to more than 2 1/2 ounces to be consistent with the new criminal offense of possession of more than 2 1/2 ounces of marijuana.

LD 282 An Act Regarding the Requirement That the Treatment of a Gunshot Wound Be Reported

PUBLIC 49

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P	OTP-AM	H-19

Current law requires a "licensed physician" who treats a person for a gunshot wound to report that wound to a law enforcement officer within 24 hours. This bill amends the reporting law to require an "attending medical provider" that treats a gunshot would to report the wound to law enforcement as soon as possible.

Committee Amendment "A" (H-19)

This amendment replaces the bill and amends the existing requirement that treatment of a gunshot wound be reported. The amendment specifies that a health care practitioner or emergency medical services person report the treatment of a wound apparently caused by the discharge of a firearm to a law enforcement agency immediately by the quickest means of communication. This amendment recognizes that not all gunshot wounds are treated in an emergency room by a physician. The amendment will better ensure that all gunshot wounds are reported and that they are reported in a timely manner.

Enacted Law Summary

Public Law 2009, chapter 49 amends the existing requirement that treatment of a gunshot wound be reported. The amendment specifies that a health care practitioner or emergency medical services person report the treatment of a wound apparently caused by the discharge of a firearm to a law enforcement agency immediately by the quickest means of communication. Public Law 2009, chapter 49 recognizes that not all gunshot wounds are treated in an emergency room by a physician. Public Law 2009, chapter 49 will better ensure that all gunshot wounds are reported and that they are reported in a timely manner.