

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 384 An Act To Amend the Laws Governing the Cap on the Tax Assessment
for Correctional Services in Lincoln County and Sagadahoc County**

ONTP

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

This bill combines the cap on the amount that Lincoln County and Sagadahoc County may collect from municipalities for administration of the jail that serves both counties.

**LD 385 An Act To Ensure a Uniform Comprehensive State Policy Regarding
Residency Restrictions for Sex Offenders**

PUBLIC 351

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL SHERMAN	OTP-AM A OTP-AM B ONTP C	H-474

This bill prohibits municipalities from adopting ordinances regarding residency restrictions for persons required to register as 10-year or lifetime registrants under the Sex Offender Registration and Notification Act of 1999.

Committee Amendment "A" (H-474)

This amendment is the majority report and replaces the bill. The amendment specifies that a municipality may not adopt or enforce any ordinance or bylaw addressing persons who have been convicted of a sex offense in Maine or in another jurisdiction that would impose on them restrictions or requirements not imposed on other persons who have not been convicted of a sex offense in Maine or in another jurisdiction. The purpose of this amendment is for the Legislature to preempt the entire field of legislation concerning the regulation of persons convicted of a sex offense in this State or in another jurisdiction, except as provided in this amendment. If a municipality chooses to adopt an ordinance, it may not be based on a person's obligation to register under the Sex Offender Registration and Notification Act of 1999. A municipality may adopt an ordinance regarding residency restrictions for persons convicted of Class A, B or C sex offenses committed against persons who had not attained 14 years of age at the time of the offense, and the ordinance must be limited as follows. It may restrict only residence and may not impose additional restrictions or requirements, including, but not limited to, registration and fees. A municipality may prohibit residence by a sex offender up to a maximum distance of 750 feet surrounding the real property comprising a public or private elementary, middle or secondary school or up to a maximum distance of 750 feet surrounding the real property comprising a municipally owned property where children are the primary users. An ordinance may not restrict the residence of a person who lived in an area restricted as provided by this amendment prior to the adoption or amendment of the ordinance.

Committee Amendment "B" (H-475)

This is one of 2 minority reports of the committee. The other minority report was ought not to pass. This amendment specifies that a municipality may not adopt or enforce any ordinance or bylaw addressing persons who have been convicted of a sex offense in Maine or in another jurisdiction that would impose on them restrictions or requirements not imposed on other persons who have not been convicted of a sex offense in Maine or in another jurisdiction. The purpose of this amendment is for the Legislature to preempt the entire field of legislation concerning the regulation of persons convicted of a sex offense in this State or in another jurisdiction.

Enacted Law Summary

Joint Standing Committee on Criminal Justice and Public Safety

Public Law 2009, chapter 351 specifies that a municipality may not adopt or enforce any ordinance or bylaw addressing persons who have been convicted of a sex offense in Maine or in another jurisdiction that would impose on them restrictions or requirements not imposed on other persons who have not been convicted of a sex offense in Maine or in another jurisdiction. The purpose of Public Law 2009, chapter 351 is for the Legislature to preempt the entire field of legislation concerning the regulation of persons convicted of a sex offense in this State or in another jurisdiction, except as provided in this law. If a municipality chooses to adopt an ordinance, it may not be based on a person's obligation to register under the Sex Offender Registration and Notification Act of 1999. A municipality may adopt an ordinance regarding residency restrictions for persons convicted of Class A, B or C sex offenses committed against persons who had not attained 14 years of age at the time of the offense, and the ordinance must be limited as follows. It may restrict only residence and may not impose additional restrictions or requirements, including, but not limited to, registration and fees. A municipality may prohibit residence by a sex offender up to a maximum distance of 750 feet surrounding the real property comprising a public or private elementary, middle or secondary school or up to a maximum distance of 750 feet surrounding the real property comprising a municipally owned property where children are the primary users. An ordinance may not restrict the residence of a person who lived in an area restricted as provided by this law prior to the adoption or amendment of the ordinance.

**LD 393 An Act Relating to Death Benefits for Certain Law Enforcement
Officers and Amending the Definition of Emergency Vehicles**

PUBLIC 421

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY	OTP-AM	S-132 S-325 DIAMOND

Under current law, a state benefit of \$50,000 is paid to the family of an eligible law enforcement officer who has died in the line of duty. This bill expands the list of eligible law enforcement officers to include forest rangers, Baxter State Park rangers, detectives employed by the Office of the Attorney General, investigative officers employed by the Department of Corrections, juvenile community corrections officers, probation officers, certain security officers appointed by the Commissioner of Public Safety and motor vehicle investigators appointed by the Secretary of State. This bill also removes an obsolete reference to liquor enforcement officers.

Committee Amendment "A" (S-132)

This amendment makes a number of changes to the bill.

1. It adds forest rangers, Baxter State Park rangers, detectives employed by the Office of the Attorney General, investigative officers employed by the Department of Corrections, juvenile community corrections officers, probation officers, certain security officers appointed by the Commissioner of Public Safety, motor vehicle investigators or supervisors appointed by the Secretary of State, military security police officers appointed by the Adjutant General and University of Maine System police officers to the definition of "law enforcement officer" in the Maine Revised Statutes, Title 20-A so that survivors would receive tuition benefits to Maine colleges and universities in the event that one of these officers died in the line of duty. It also removes liquor enforcement officers from the definition because they no longer exist.
2. It adds a University of Maine System police officer and a military security police officer appointed by the Adjutant General to the definition of "law enforcement officer" so that the families of those officers are eligible for death benefits in the event that an officer dies in the line of duty.
3. It clarifies that supervisors of motor vehicle investigators appointed by the Secretary of State are eligible for benefits.