

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

4. It adds University of Maine System vehicles operated by a University of Maine System police officer to the definition of "authorized emergency vehicle."

Senate Amendment "A" To Committee Amendment "A" (S-325)

This amendment ensures that the death benefit for eligible law enforcement officers is paid as soon as a sufficient balance in the Maine Budget Stabilization Fund exists.

Enacted Law Summary

Public Law 2009, chapter 421 expands the definition of law enforcement officers whose families are eligible for a state benefit of \$50,000 and tuition benefits to Maine college and universities in the event that one of these officers dies in the line of duty. The definition of law enforcement officer is expanded to include the following: 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 appointed by the Secretary of State and the supervisors of those motor vehicle investigators; University of Maine System police officers; and military security police officers appointed by the Adjutant General. If there is insufficient funds in the Maine Budget Stabilization Fund to pay the \$50,000 benefit, it is paid as soon as there is sufficient funding available. It also adds University of Maine System vehicles operated by a University of Maine System police officer to the definition of "authorized emergency vehicle."

LD 401 An Act Creating a Probationary Period for County Corrections Officials

PUBLIC 106

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAGNAN DAVIS G	OTP-AM	H-81

This bill requires county corrections officials to serve a one-year period of probation after completion of the basic corrections training at the Maine Criminal Justice Academy.

Committee Amendment "A" (H-81)

This amendment changes the probationary period for county corrections officials from at least one year after completion of basic corrections training at the Maine Criminal Justice Academy to one year from the date of hire. The probationary period would go into effect for all new hires after October 1, 2009.

Enacted Law Summary

Public Law 2009, chapter 106 requires county corrections officials to serve a one-year probationary period from the date of hire. The probationary period would go into effect for all new hires after October 1, 2009.

LD 433 An Act To Reinstate Rules Requiring Inspection of Chimneys upon the Sale or Transfer of Property

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN K COURTNEY	ONTP	

Joint Standing Committee on Criminal Justice and Public Safety

Current law allows the Commissioner of Public Safety to adopt rules requiring the maintenance and inspection of chimneys, fireplaces, vents and solid fuel burning appliances upon the sale or transfer of property. The rules of the Department of Public Safety, Office of the State Fire Marshal were recently amended to remove the requirement of inspection of existing chimneys upon the sale and transfer of property. This bill amends the law to require the adoption of rules requiring the inspection of chimneys upon the sale or transfer of property.

LD 441 An Act To Establish the Civil Violation of Motor Vehicle Violation Resulting in Death

PUBLIC 182

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT P	OTP-AM MAJ ONTP MIN	H-185 MAZUREK H-78

This bill creates the Class D strict liability crime of motor vehicle violation resulting in death. A person commits the crime if that person, while operating a motor vehicle and committing a traffic infraction, causes the death of another person. The State must plead and prove that the defendant's committing a traffic infraction while operating a motor vehicle caused the death, and the court shall apply the causation provision in Title 17-A, §33 to assess causation.

Committee Amendment "A" (H-78)

This amendment is the majority report. Instead of creating a new crime, it establishes the civil violation of motor vehicle violation resulting in death. A person commits the civil violation if the person, while operating a motor vehicle and committing a traffic infraction, causes the death of another person. The penalty for this violation is a mandatory license suspension of up to 4 years and may also include a fine not to exceed \$5,000 and community service work.

House Amendment "A" To Committee Amendment "A" (H-185)

This amendment imposes a minimum period of license suspension of 14 days.

House Amendment "B" To Committee Amendment "A" (H-207)

Unlike Committee Amendment "A," which establishes the civil violation of motor vehicle violation resulting in death, this amendment retains the language of the bill, which establishes the crime of motor vehicle violation resulting in death. In addition, this amendment replaces the title of the bill to clarify that the new crime of motor vehicle violation resulting in death established in the bill applies only if the traffic infraction causes the death. This amendment also adds an appropriations and allocations section. This amendment was not adopted.

Enacted Law Summary

Public Law 2009, chapter 182 establishes the civil violation of motor vehicle violation resulting in death. A person commits the civil violation if the person, while operating a motor vehicle and committing a traffic infraction, causes the death of another person. The penalty for this violation is a mandatory license suspension for a minimum period of 14 days up to 4 years. Penalties may also include a fine not to exceed \$5,000 and community service work.