

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
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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 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 442 An Act To Require Prisoners To Perform Community Service and To Require Jails, Prisons, Nonprofit Entities, Universities and Counties To Compost Food Waste

ONTP

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

This bill requires the Department of Corrections and the county jails to establish community service programs for inmates and requires inmates to participate in those programs as determined appropriate. The community service programs may include any service, but must include a gardening program. The Department of Corrections and the county jails may seek the support of the State Board of Corrections in developing and implementing the community service programs.

The bill also requires the University of Maine System, the Maine Community College System, Maine Maritime Academy and all counties and nonprofit entities, including, but not limited to, hospitals, county jails and prisons that prepare and serve meals, to develop and implement food composting programs no later than December 30, 2009. Composted materials may be distributed to the Department of Corrections and to county jails as needed for the purpose of supporting their community service gardens.

LD 468 An Act To Amend the Laws Concerning Terrorizing

ONTP

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

This bill expands the scope of the criminal offense of terrorizing by eliminating the need for a crime of violence to be dangerous to human life and by broadening the effect of a communicated threat to not only putting the person to whom the threat is communicated or the person threatened but also any reasonable person in reasonable fear that the crime will be committed.

LD 478 An Act To Ensure That the Membership of the State Board of Corrections Includes a Representative with Expertise in Issues Regarding Mental Illness

PUBLIC 89

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL E	OTP-AM MAJ ONTP MIN	S-76

This bill proposes to amend the membership of the State Board of Corrections by adding 2 mental health advocates to the board. One of the advocates would be selected from a list of 3 nominations submitted to the Governor by the President of the Senate, and one of the advocates would be selected from a list of 3 nominations submitted to the Governor by the Speaker of the House. The bill also changes the quorum from 3 to 4 members for subcommittee

Joint Standing Committee on Criminal Justice and Public Safety

hearings held by the board that do not involve decision making.

Committee Amendment "A" (S-76)

This amendment replaces the bill and is the majority report. The amendment changes the title and specifies that of the 9 members of the State Board of Corrections, one must be a person who has expertise in issues relating to mental illness. The amendment does not add additional members to the board.

Enacted Law Summary

Public Law 2009, chapter 89 specifies that of the 9 members of the State Board of Corrections, one must be a person who has expertise in issues relating to mental illness.

LD 481 An Act To Allow the Department of Corrections To Certify Community Intervention Programs

PUBLIC 92

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL	OTP-AM	H-79

This bill defines the terms "community agency," "community intervention program," and "nonprofit" and authorizes the Department of Corrections to adopt routine technical rules that establish standards and procedures for the certification of community intervention programs. The department may review and certify programs that meet standards and may require certification of programs providing services to clients of the department whether or not the department disburses funds to the agency. Certification is intended to ensure that programs that provide intervention services are based on best practices and are proven to be effective in changing criminal behaviors.

Committee Amendment "A" (H-79)

This amendment requires that the Department of Corrections consult other state agencies if adopting rules to establish standards and procedures for certification of community intervention programs. This amendment is proposed in recognition of the fact that other state agencies are already involved in the certification and licensing of various programs, services and professions and coordination of efforts makes sense.

Enacted Law Summary

Public Law 2009, chapter 92 authorizes the Department of Corrections to adopt routine technical rules in consultation with other state agencies to establish standards and procedures for the certification of community intervention programs. The department may review and certify programs that meet standards and may require certification of programs providing services to clients of the department whether or not the department disburses funds to the agency. Certification is intended to ensure that programs that provide intervention services are based on best practices and are proven to be effective in changing criminal behaviors.

LD 483 An Act To Improve the Service of Protection from Harassment and Protection from Abuse Orders and the Collection of Restitution by the Department of Corrections

PUBLIC 94

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL	OTP-AM	H-82