

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**

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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

This bill permits the Department of Corrections to serve protection from harassment and protection from abuse orders on defendants incarcerated in its facilities. The bill also clarifies that victim restitution must be paid through the Department of Corrections when it is owed by a client of the department and requires that the department determine the time and method of payment while the defendant is a departmental client, with a defendant having recourse to the court to avoid a default.

Committee Amendment "A" (H-82)

This amendment clarifies that the chief administrative officer or the officer's designee is authorized to serve protection from abuse or protection from harassment orders on persons who are incarcerated in a Department of Corrections facility. The amendment also clarifies that this service applies to both temporary and permanent orders.

Enacted Law Summary

Public Law 2009, chapter 94 permits the Department of Corrections to serve protection from harassment and protection from abuse orders on defendants incarcerated in its facilities. Specifically, the chief administrative officer or the officer's designee is authorized to serve protection from abuse or protection from harassment orders on persons who are incarcerated in a Department of Corrections facility. This service applies to both temporary and permanent orders.

Public Law 2009, chapter 94 also clarifies that victim restitution must be paid through the Department of Corrections when it is owed by a client of the department and requires that the department determine the time and method of payment while the defendant is a departmental client, with a defendant having recourse to the court to avoid a default.

LD 492 An Act to More Accurately Reflect the Disposition of a Case in Criminal History Record Information

ONTP

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

This bill requires that when a person is arrested and the law enforcement officer decides not to refer the case to the prosecutor or the prosecutor elects not to prosecute, that information must be included in the person's criminal history record along with the arrest record. This arrest information is available as public information until one year after the arrest. Arrest information without disposition becomes nonconviction data, which is available to law enforcement, if one year has lapsed from the date of the arrest and no active prosecution is pending.

LD 550 An Act To Protect Maine Residents from Home Fires and Carbon Monoxide

PUBLIC 162

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM	S-98

This bill requires that all single-family dwellings and multi-apartment buildings sold in the State and newly constructed single-family dwellings have photoelectric-type smoke detectors and at least one carbon monoxide detector in an area within or giving access to a bedroom. The detectors in multi-family dwellings and newly constructed single-family dwellings must be powered by both the electrical service in the building and by battery.

Joint Standing Committee on Criminal Justice and Public Safety

Committee Amendment "A" (S-98)

This amendment makes the following changes to the bill.

1. It clarifies that smoke detectors are required in all single-family dwellings rather than in existing single-family dwellings.
2. It removes the requirement for smoke detectors in multi-family or newly constructed single-family buildings to be the photoelectric type although smoke detectors must be powered by both electricity and battery.
3. It requires tenants to notify landlords in writing that a smoke detector or carbon monoxide detector is not working.
4. It clarifies that tenants shall keep smoke detectors and carbon monoxide detectors in working order, test them periodically and refrain from disabling them.
5. It requires the buyer of a single-family dwelling or multi-apartment building to certify at closing that the building is provided with smoke detectors and carbon monoxide detectors, rather than the seller.
6. It clarifies that carbon monoxide detectors must be powered by electricity and battery and clarifies that electrical service means either a device plugged into an electrical outlet or hardwired.
7. It removes the requirement that carbon monoxide detectors must be on or near the ceiling or floor in each area and requires them only near or in bedrooms.
8. It removes the section requiring carbon monoxide detectors to be in corridors or hallways of multi-apartment buildings more than 3 stories in height because they are required in every apartment of a multi-apartment building.
9. It requires the Department of Public Safety, Office of the State Fire Marshal to spend \$100,000 to purchase carbon monoxide detectors to be distributed to organizations that promote the placement of carbon monoxide detectors in homes and have the ability to install them.
10. It requires the Office of the State Fire Marshal to develop standards for substantial compliance and a plan for an education program to achieve substantial compliance with the Maine Revised Statutes, Title 25, section 2468.

Enacted Law Summary

Public Law 2009, chapter 162 requires that all single-family dwellings and multi-apartment buildings sold in the State and newly constructed single-family dwellings have smoke detectors and at least one carbon monoxide detector in an area within or giving access to a bedroom. The detectors must be powered by electricity and battery. Tenants shall keep smoke detectors and carbon monoxide detectors in working order, test them periodically and refrain from disabling them. Tenants must also notify landlords in writing if a smoke detector or carbon monoxide detector is not working. Buyers of single-family dwellings and multi-apartment buildings must certify at closing that the building is provided with smoke detectors and carbon monoxide detectors. The Department of Public Safety, Office of the State Fire Marshal shall spend \$100,000 to purchase carbon monoxide detectors to be distributed to organizations that promote the placement of carbon monoxide detectors in homes and have the ability to install them. The Office of the State Fire Marshal is also required to develop standards for substantial compliance and a plan for an education program to achieve substantial compliance with the Maine Revised Statutes, Title 25, section 2468.