

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
124<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

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

July 2009

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# STATE OF MAINE

124<sup>TH</sup> 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 124<sup>th</sup> 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 124<sup>th</sup> 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 601**

### **An Act To Require That the Proceeds from Property Seized through Drug Crime Forfeitures Go to the General Fund**

**ONTP**

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

This bill requires that all proceeds from the forfeiture of property relating to a conviction of a crime involving drugs, after paying the reasonable expenses of the forfeiture proceeding and related costs, go to the General Fund. Current law authorizes a court, to the extent that the court finds it reasonable, to order forfeiture of as much of the property as is appropriate, less the reasonable expenses of the forfeiture proceedings, seizure, storage, maintenance of custody, advertising and notice, to a municipality, county or state agency that has made a substantial contribution to the investigation or prosecution of a related criminal case.

**LD 631**

### **An Act To Amend the Laws Relating to the Department of Corrections**

**PUBLIC 142**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS DAVIS G	OTP-AM	H-101

This bill makes changes to the laws relating to the Department of Corrections as follows.

Sections 1, 2, 9 and 12 of bill add adult probation supervisors to definitions of "law enforcement officer" for the purposes of the Maine Criminal Code and the State's liquor laws. Current law includes adult probation officers but not their supervisors; all are treated as probation officers for purposes of law enforcement training. Section 9 also clarifies Department of Corrections training: correctional investigators would have to complete the basic law enforcement training but the Department of Corrections would be exempt from writing policies and procedures for activities that the investigators are not involved in, like high speed pursuits.

Section 3 of the bill provides that pursuant to Title 17-A, §15, a law enforcement officer may make a warrantless arrest of a juvenile who violates a condition of release, as is presently provided in the Maine Juvenile Code and adds authority for law enforcement officers to arrest without a warrant other persons who violate conditions of supervision by the Department of Corrections, including violations of supervised community confinement, placement on community reintegration or furloughs.

Section 4 of the bill corrects an incorrect reference to the Department of Health and Human Services to the Department of Corrections, as the Department of Corrections grants prisoner furloughs and work releases.

Section 5 of the bill clarifies the provision requiring termination of probation for a person who has completed a certified batterers' intervention program; a person on probation must also satisfy all other conditions of probation and have paid any restitution ordered to the victim before a hearing on the probation termination may take place. Completing the batterers' intervention program alone is not enough to terminate probation.

Section 6 of the bill sets a default monthly probation supervision fee of \$10 when a court fails to specify an amount. Current law requires a supervision fee of between \$10 and \$50 per month as determined by the court.