

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

**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.

Joint Standing Committee on Criminal Justice and Public Safety

Section 7 of the bill adds prisoners on supervised community confinement to the laws governing multiple sentences of imprisonment, which is consistent with those who would be sentenced to intensive supervision. This provision addresses sentencing for those who commit new crimes while on supervised community confinement.

Section 8 repeals Title 17-A, §1266, which governs the sentence for a crime committed by a prisoner on intensive supervision, because it is no longer necessary due to changes in the language of Title 17-A, §1256 since §1266 was enacted.

Section 13 corrects an oversight by amending the definition of "prisoner" in the Department of Corrections statutes to include those on supervised community confinement.

Section 14 amends the provision permitting the Commissioner of Corrections to transfer prisoners between facilities, whether pending trial or other proceeding or sentenced, under the new unified correctional system.

Section 15 eliminates the prohibition on the Department of Corrections' investigative officers exercising power against other employees of the department, which is consistent with other law enforcement agencies in the State. Section 15 also expands the authority of correctional investigators to exercise law enforcement powers with respect to community corrections programs administered by the Department of Corrections.

Sections 10, 11 and 16-19 allow prisoners who are in the community working under the supervised community confinement program to be able to collect workers' compensation benefits. Current law provides this benefit only for those on intensive supervision.

Committee Amendment "A" (H-101)

This amendment adds language to the definition of "contraband" in the crime of aiding escape, which is cross-referenced in the crime of trafficking in prison contraband, to address the problem of prisoners smuggling drugs that are prescribed to them in the community but that are not permitted in a county jail or Department of Corrections facility. The amendment ensures that a prisoner has only a drug that was validly prescribed to the prisoner and that the custodial agency has approved the use of the drug. The amendment also retains language referring to a probation officer's duty to perform intensive supervision functions, instead of striking the reference as proposed in the bill.

Enacted Law Summary

Public Law 2009, chapter 142 makes a number of changes to the Department of Corrections statutes.

Public Law 2009, chapter 142 adds adult probation supervisors to definitions of "law enforcement officer" for the purposes of the Maine Criminal Code and the State's liquor laws and specifies that the training for correctional investigators requires completion of the basic law enforcement training course but the Department of Corrections is exempt from writing policies and procedures for activities in which the investigators are not involved.

Public Law 2009, chapter 142 specifies that 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.

Public Law 2009, chapter 142 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.

Public Law 2009, chapter 142 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

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place.

Public Law 2009, chapter 142 sets a default monthly probation supervision fee of \$10 when a court fails to specify an amount.

Public Law 2009, chapter 142 adds prisoners on supervised community confinement to the laws governing multiple sentences of imprisonment, which is consistent with those who would be sentenced to intensive supervision. This provision addresses sentencing for those who commit new crimes while on supervised community confinement.

Public Law 2009, chapter 142 repeals Title 17-A, §1266, which governs the sentence for a crime committed by a prisoner on intensive supervision, because it is no longer necessary due to changes in the language of Title 17-A, §1256 since §1266 was enacted.

Public Law 2009, chapter 142 corrects an oversight by amending the definition of "prisoner" in the Department of Corrections statutes to include those on supervised community confinement.

Public Law 2009, chapter 142 amends the provision permitting the Commissioner of Corrections to transfer prisoners between facilities, whether pending trial or other proceeding or sentenced, under the new unified correctional system.

Public Law 2009, chapter 142 eliminates the prohibition on the Department of Corrections' investigative officers exercising power against other employees of the department, which is consistent with other law enforcement agencies in the State. It also expands the authority of correctional investigators to exercise law enforcement powers with respect to community corrections programs administered by the Department of Corrections.

Public Law 2009, chapter 142 allows prisoners who are in the community working under the supervised community confinement program to be able to collect workers' compensation benefits.

Public Law 2009, chapter 142 also adds language to the definition of "contraband" in the crime of aiding escape, which is cross-referenced in the crime of trafficking in prison contraband, to address the problem of prisoners smuggling drugs that are prescribed to them in the community but that are not permitted in a county jail or Department of Corrections facility. It ensures that a prisoner has only a drug that was validly prescribed to the prisoner and that the custodial agency has approved the use of the drug.

LD 632 An Act To Increase Payments to Victims of Crimes

PUBLIC 79

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEVENS SIMPSON	OTP-AM	H-52

This bill amends the Victims' Compensation laws as follows.

1. It creates the definition of "catastrophic injury" for purposes of eligibility for Victims' Compensation Fund and gives the Victims' Compensation Board authority to award compensation for unreimbursed mental health treatment expenses directly related to a crime for the benefit of a surviving family or household member of a person who suffers "catastrophic injury" as a direct result of the crime.
2. It adds other homicide-related expenses, expenses incidental to obtaining care for personal injury, the cost of security deposits and the cost to install locks or security devices to the definition of "eligible expenses and losses."