

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

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."

Joint Standing Committee on Criminal Justice and Public Safety

3. It also increases the payment for forensic examinations for alleged victims of gross sexual assault from \$500 to \$750, in order to better reflect the cost of performing the examinations.

Committee Amendment "A" (H-52)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2009, chapter 79 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. 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." Public Law 2009, chapter 79 also increases the payment for forensic examinations for alleged victims of gross sexual assault from \$500 to \$750, in order to better reflect the cost of performing these examinations.

LD 633 An Act To Amend the Laws Pertaining to Refusing To Submit to Arrest or Detention

PUBLIC 449

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANLEY MCCORMICK	OTP-AM	H-201 S-327 DIAMOND

Under current law, it is a Class D crime to refuse to submit to an arrest or detention if that person uses physical force against a law enforcement officer or creates a substantial risk of bodily injury to a law enforcement officer. This bill repeals that provision of law and enacts in its stead a provision that establishes that refusal to submit to arrest:

1. Is a Class E crime if the person performs an act of physical interference or resistance;
2. Is a Class D crime if the person uses physical force against the law enforcement officer; and
3. Is a Class D crime if the person creates a substantial risk of bodily injury to the law enforcement officer, resulting in the law enforcement officer's pursuing, chasing or attempting to pursue or chase the person.

Committee Amendment "A" (H-201)

This amendment redefines the offense of refusing to submit to arrest or detention as proposed in the bill. A person is guilty of refusing to submit to arrest or detention if, with the intent to hinder, delay or prevent a law enforcement officer from effecting the arrest or detention of that person, the person refuses to stop on request or signal of a law enforcement officer, which is a Class E crime; uses physical force against the law enforcement officer, which is a Class D crime; or creates a substantial risk of bodily injury to the law enforcement officer, which is a Class D crime. The amendment maintains the defense to prosecution that the person reasonably believed that the person attempting to effect the arrest or detention was not a law enforcement officer. The amendment also adds the defense that the law enforcement officer acted unlawfully in attempting to effect the arrest or detention for the offense of refusing to stop on request or signal of a law enforcement officer. It also adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-327)

This amendment appropriates funds for the county jail costs to the State Board of Corrections rather than the