

# 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*

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

# Joint Standing Committee on Criminal Justice and Public Safety

Department of Corrections.

## Enacted Law Summary

Public law 2009, chapter 449 redefines the offense of refusing to submit to arrest or detention. 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. Public Law 2009, chapter 449 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. It 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.

**LD 634      An Act To Create a Mandatory Sentence for Repeat Offenders of Sex Offenses against Victims under 12 Years of Age      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHASE DAVIS G	ONTP	

This bill requires a court to sentence a person convicted of committing any offense under Title 17-A, chapter 11 or 12 against a child under 12 years of age who has a prior conviction for committing a chapter 11 or 12 offense against a child under 12 years of age to a mandatory term of imprisonment of at least 25 years, none of which may be suspended.

**LD 653      An Act To Strengthen the Penalties for Leaving the Scene of an Accident      ONTP**

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

Under current law, a person who is involved in an accident and who fails to stop or leaves the scene of the accident commits a Class E crime for accidents involving damage to the vehicle, a Class D crime for accidents involving personal injury or death and a Class C crime if the person intentionally, knowingly or recklessly leaves the scene of an accident involving serious bodily injury or death. This bill increases the penalty class for each crime to a Class D, Class C and Class B crime, respectively.

**LD 668      An Act To Amend the Laws Concerning Disorderly Conduct      ONTP**

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