

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**

July 2009

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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:

<i>CARRIED OVER</i>	<i>Carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i>	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

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

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	

Joint Standing Committee on Criminal Justice and Public Safety

This bill repeals the existing law governing disorderly conduct and enacts a new provision defining disorderly conduct. Under the new provision, disorderly conduct remains a Class E crime.

LD 690 Resolve, To Establish a Working Group Concerning Domestic Violence and Firearms

RESOLVE 86

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON	OTP-AM	S-181

This bill brings Maine law into conformity with federal law. The bill adds to state law the existing federal prohibition against possession of firearms by a person who has been convicted of a misdemeanor crime of domestic violence. A misdemeanor crime of domestic violence means an offense that is a misdemeanor under federal, state or tribal law and has as an element the use or attempted use of physical force or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.

Committee Amendment "A" (S-181)

This amendment replaces the bill with a resolve and directs the Commissioner of Public Safety to convene a working group concerning domestic violence and firearms. The group shall look at incorporating into state law the prohibition of possession of firearms by a person convicted of a misdemeanor crime of domestic violence in order to conform to federal law. The working group must invite representatives from each of the following to participate: the Office of the Attorney General, the Maine Prosecutors Association, the Maine Coalition to End Domestic Violence, the Maine Association of Criminal Defense Lawyers, Maine Citizens Against Handgun Violence, the Sportsman's Alliance of Maine, the Maine Chiefs of Police Association, the Maine Sheriffs' Association and up to 3 other entities that the Commissioner of Public Safety determines appropriate. The Commissioner of Public Safety shall report the working group's recommendations, including recommended legislation, to the Joint Standing Committee on Criminal Justice and Public Safety no later than January 15, 2010. The Joint Standing Committee on Criminal Justice and Public Safety may submit legislation to the 124th Legislature in 2010 based on the report.

Enacted Law Summary

Resolve 2009, chapter 86 directs the Commissioner of Public Safety to convene a working group concerning domestic violence and firearms. The group shall look at incorporating into state law the prohibition of possession of firearms by a person convicted of a misdemeanor crime of domestic violence in order to conform to federal law. The working group must invite representatives from each of the following to participate: the Office of the Attorney General, the Maine Prosecutors Association, the Maine Coalition to End Domestic Violence, the Maine Association of Criminal Defense Lawyers, Maine Citizens Against Handgun Violence, the Sportsman's Alliance of Maine, the Maine Chiefs of Police Association, the Maine Sheriffs' Association and up to 3 other entities that the Commissioner of Public Safety determines appropriate. The Commissioner of Public Safety shall report the working group's recommendations, including recommended legislation, to the Joint Standing Committee on Criminal Justice and Public Safety no later than January 15, 2010. The Joint Standing Committee on Criminal Justice and Public Safety may submit legislation to the 124th Legislature in 2010 based on the report.