

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 793

An Act To Improve Juvenile Correctional Services

PUBLIC 93

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUMMER	OTP-AM	H-80

This bill permits the interception of phone calls made by or to residents of juvenile correctional facilities on the same basis as the interception of phone calls made by or to residents of adult correctional facilities. It also makes willful failure to comply with the terms of any court order resulting from a juvenile adjudication of a juvenile crime involving drugs or liquor itself a juvenile crime consistent with other provisions that define a juvenile crime. The bill requires that a detainee under 18 years of age who has been convicted as an adult in another jurisdiction be detained with adults, as is presently the case for detainees under 18 years of age who have been convicted as an adult in the State. The bill also makes the provisions for the detention of juveniles in a jail consistent by allowing such detention to be for up to 48 hours.

Committee Amendment "A" (H-80)

This amendment repeals the provision in current law that establishes that a violation of a court order relating to drug and alcohol infractions constitutes a new and distinct juvenile crime. The provision is seldom used, and juveniles may be held accountable through the contempt powers of the court.

The amendment clarifies under what conditions a person who is over 18 years of age but is considered a juvenile because the offense was committed before the person attained 18 years of age may be detained in a jail. The amendment also specifies the conditions under which a person convicted of an adult offense in another jurisdiction that would be a juvenile offense here may be detained and housed with juveniles in the State and under what conditions a juvenile detained in the State for a new offense can be housed after previously being convicted as an adult in another jurisdiction.

Finally, the amendment specifies that a juvenile may be held for over 6 hours, but not more than 48 hours, in a separate juvenile section of a rural jail. The conditions of detention are consistent with the federal Juvenile Justice and Delinquency Prevention Act of 1974. The amendment also corrects cross-references.

Enacted Law Summary

Public Law 2009, chapter 93 permits the interception of phone calls made by or to residents of juvenile correctional facilities under the same circumstances as the interception of phone calls made by or to residents of adult correctional facilities. Monitoring prisoner phone calls is a permitted exception to Title 15, chapter 102, "Interception of Wire and Oral Communications."

Public Law 2009, chapter 93 clarifies under what conditions a person who is 18 years of age or older is considered a juvenile for purposes of being detained in jail for an offense committed when the person was less than 18 years of age. Public Law 2009, chapter 93 also addresses the conditions under which a person who has been convicted of an adult offense in another state can be detained and housed with juveniles. Public Law 2009, chapter 93 gives the court discretion to determine where to house a person who was adjudicated as an adult in another jurisdiction but was less than 18 years of age at the time of the crime and comes to Maine and commits a new offense. The court may determine the appropriate placement, unless the person reaches 18 years and 6 months, in which case the federal law requires that the person be housed in a jail.

Public Law 2009, chapter 93 permits detention of juveniles in a jail for up to 48 hours, instead of 24 hours, and it specifies the circumstances in which a juvenile can be held for more than 6 hours, but no more than 48 hours, in an

Joint Standing Committee on Criminal Justice and Public Safety

adult jail; detention for this purpose must be pending an initial appearance in court.

LD 814 An Act Regarding the Sale of Weapons at Gun Shows

ONTP

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

This bill requires that a national instant criminal background check be performed prior to the sale or transfer of a firearm at a gun show. The bill makes a gun show operator responsible for any failure to perform a required background check and subject to a fine of up to \$10,000 for each such failure. The bill also requires gun show operators to post signs at gun shows and notify exhibitors of the background check requirement and to provide unlicensed sellers and transferors with access to licensed sellers and transferors who will undertake the required background checks. The licensed firearms dealer is required to maintain the paperwork for 10 years.

LD 815 An Act To Require the Collection of DNA from a Person under Certain Circumstances

**ACCEPTED ONTP
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CELLI	ONTP MAJ OTP-AM MIN	

This bill modifies the DNA Data Base and Data Bank Act by establishing a DNA Fund to pay for the reasonable expenses of the Chief of the State Police in administering the DNA Data Base and Data Bank Act. It would require a fee to be paid into the DNA Fund by persons required to submit DNA samples or requesting DNA searches.

Committee Amendment "A" (H-495)

This amendment, which is the minority report of the committee, removes the provision that would allow a fee to be charged to a relative of a missing person who has requested a DNA search in the state DNA data base and state DNA data bank for the purposes of finding the missing person.

LD 847 An Act Authorizing Statewide Mutual Aid among First Responder Agencies

**PUBLIC 175
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-157

This bill provides that the Maine First Responders State-wide Mutual Aid Agreement, drafted by the Maine Emergency Management Agency and dated November 2008, applies to all political subdivisions in the State. The agreement authorizes first responder agencies to provide emergency services, even if a political subdivision has not entered into a mutual aid agreement with the political subdivision sending the requested emergency management, fire, law enforcement, emergency medical, public works or other emergency services. The bill eliminates the necessity for political subdivisions to adopt local ordinances to participate in the agreement but they retain the right