

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

STAFF:

MARION HYLAN BARR, SENIOR ANALYST
ANNA T. BROOME, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

MEMBERS:

SEN. STAN GERZOFSKY, CHAIR
SEN. JOHN M. NUTTING
SEN. GERALD M. DAVIS

REP. ANNE M. HASKELL, CHAIR
REP. STEPHEN P. HANLEY
REP. WALTER A. WHEELER
REP. JAMES M. SCHATZ
REP. MICHEL A. LAJOIE
REP. VERONICA MAGNAN
REP. RICHARD M. SYKES
REP. CHRISTIAN D. GREELEY
REP. GARY E. PLUMMER
REP. DAVID C. BURNS

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

LD 995 An Act To Improve Purchasing for the Department of Corrections

ONTP

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

This bill authorizes the chief administrative officer of a correctional facility to enter into a contract for the purchase of materials used in the manufacture of products for sale to the public or through contract bids in a prison industries program at the correctional facility supervised by that chief administrative officer.

LD 1035 An Act To Discourage Theft from and Destruction of Vending Machines

ONTP

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

This bill provides a minimum fine of \$1,000 for a person who steals or vandalizes a vending machine or the contents of a vending machine and requires that such a person pay restitution to the owner of the vending machine.

LD 1066 Resolve, Directing the Board of Trustees of the Maine Criminal Justice Academy To Amend Its Minimum Standards for the Law Enforcement Use of Force Policy

RESOLVE 58

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PILON BLISS	OTP-AM	H-200

Title 5 gives the Office of the Attorney General exclusive responsibility for the direction and control of any criminal investigation of a law enforcement officer who, while acting in the performance of that law enforcement officer's duties, uses deadly force. Any law enforcement agency whose officer uses deadly force shall notify, as soon as practicable, the Attorney General of the event. The AG's review determines whether the officer actually and reasonably believed that there was an imminent threat of deadly force and that deadly force on the officer's part was necessary to meet or counter that threat. The AG's review does not include a determination of civil liability or consequences to employment or certification or whether the use of deadly force was avoidable. These issues fall to the agency employing the officer. Findings of investigations into an officer's conduct are public records.

This bill establishes the Independent Review Board for Police Involved in Fatal Shootings to review all incidents involving the use of a firearm by a law enforcement or corrections officer that results in the death of another person. The board shall conduct a review for the purpose of determining: the facts; whether relevant policy was understandable and effective for the particular circumstances; whether compliance with relevant policy occurred; whether the relevant current training curriculum was sufficient and effective for the particular circumstances; whether changes in the relevant current policy, practice, procedures or training are recommended; whether any remedial action should be recommended; and any other recommendations.