

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:

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 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.

Joint Standing Committee on Criminal Justice and Public Safety

The board would have access to the records and findings of the Attorney General, any internal or administrative investigation undertaken by the officer's department, the Board of Trustees of the Maine Criminal Justice Academy if action was contemplated or taken, and personnel records maintained by the department employing or any department that previously employed the law enforcement or corrections officer whose actions are under review. The board must also be granted access to similar records relating to prior incidents of the use of force that have been investigated by the Attorney General. Access to these records or findings does not constitute a public right to access that does not otherwise exist. The review and deliberations of the board do not constitute public proceedings.

At the conclusion of its review, the board shall issue a public report stating its determinations with respect to each of the factors identified and report to the joint standing committee of the Legislature having jurisdiction over public safety matters and to the law enforcement agency involved in the incident under review. This report is not admissible in any litigation arising out of the incident. The opinions and conclusions of the board or of individual board members are not discoverable or admissible under any circumstances. A person who illegally distributes confidential information under the new provisions commits a Class E crime.

Committee Amendment "A" (H-200)

This amendment replaces the bill with a resolve that directs the Board of Trustees of the Maine Criminal Justice Academy to amend its minimum standards for the use of force policy relative to the procedure for agency investigation and review of the use of deadly force. Amendments to the policy must include the convening of an incident review team consisting of members appointed by the chief executive officer of each law enforcement agency to review instances of the use of deadly force. Members appointed must include at least one member who is a commissioned officer of the Maine State Police and at least one member of the public who is not and has not previously served as a sworn law enforcement officer. The incident review team shall review the use of deadly force to determine the facts of an incident, whether relevant policy was clearly understandable and effective to cover the particular situation and whether changes are necessary to incorporate improved procedures or practices demonstrated to increase public safety or officer safety, whether training protocols should be reviewed or revised and whether equipment or other resources should be modified. The incident review team shall generate a written report of its findings, and that report is public. The amendment also directs the board to report on compliance, implementation and the results of the new policy change. That report is due to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters no later than January 15, 2011.

Enacted Law Summary

Resolve 2009, chapter 58 directs the Board of Trustees of the Maine Criminal Justice Academy to amend its minimum standards for the use of force policy relative to the procedure for agency investigation and review of the use of deadly force. Amendments to the policy must include the convening of an incident review team consisting of members appointed by the chief executive officer of each law enforcement agency to review instances of the use of deadly force. Members appointed must include at least one member who is a commissioned officer of the Maine State Police and at least one member of the public who is not and has not previously served as a sworn law enforcement officer. The incident review team shall review the use of deadly force to determine the facts of an incident, whether relevant policy was clearly understandable and effective to cover the particular situation and whether changes are necessary to incorporate improved procedures or practices demonstrated to increase public safety or officer safety, whether training protocols should be reviewed or revised and whether equipment or other resources should be modified. The incident review team shall generate a written report of its findings, and that report is public. Resolve 2009, chapter 58 also directs the board to report on compliance, implementation and the results of the new policy change. That report is due to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters no later than January 15, 2011.