

# 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**

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# STATE OF MAINE

124<sup>TH</sup> 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 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

over criminal justice and public safety matters and appropriations and financial affairs.

It clarifies that a certificate of need must be approved by the board before a public or private construction project can be undertaken.

It amends a provision in the State Board of Corrections Investment Fund to specify that any net revenue in excess of county or regional jail expenditures resulting from efficiencies generated by the independent actions of a county or regional jail remains with the county's or regional jail authority's correctional services fund balance.

It amends the statutes that currently allow the Department of Corrections to transfer a terminally ill prisoner to supervised community confinement and the sheriff to transfer a terminally ill prisoner to home release monitoring by adding similar authority to transfer a prisoner with a severely incapacitating medical condition.

It makes explicit the discretion of the commissioner to revoke supervised community confinement.

It also eliminates the requirement for the warden of the Maine State Prison and the superintendent of the Maine Correctional Center to cause a copy of the warrant of commitment to be filed in the court from which it was issued. This filing is unnecessary.

**LD 1242**

### **An Act To Streamline the Regulatory Process for Commercial Building Construction Projects**

**PUBLIC 364  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL	OTP-AM	H-368

This bill provides for the delegation of fire code permitting authority from the Department of Public Safety, Office of the State Fire Marshal to municipalities. It amends the law concerning certain public building projects for which the Department of Public Safety provides plan reviews and allows the option for municipal review for those projects. It creates a new section of law that outlines the circumstances that need to be satisfied before the Commissioner of Public Safety may delegate permitting authority to a municipality. It adjusts the payment of the current 5¢ plan review fee that is paid to the Department of Public Safety so if a municipality issues the permit, the municipality receives the 4¢ fee per square foot and the Department of Public Safety receives the 1¢ fee per square foot of the proposed project.

#### **Committee Amendment "A" (H-368)**

This amendment allows a municipality to review projects that are public buildings that constitute a mercantile occupancy over 3,000 square feet, hotel, motel or business occupancy of 2 or more stories rather than public buildings less than 3,000 square feet, as in the bill. This change matches the definition of "public building" in the Maine Revised Statutes, Title 25, section 2448.

#### **Enacted Law Summary**

Public Law 2009, chapter 364 provides for the delegation of fire code permitting authority from the Department of Public Safety, Office of the State Fire Marshal to municipalities. It amends the law to allow a municipality, under certain conditions, the option to review projects that are public buildings that constitute a mercantile occupancy over 3,000 square feet, hotel, motel or business occupancy of 2 or more stories. It adjusts the payment of the current 5¢ plan review fee that is paid to the Department of Public Safety so if a municipality issues the permit, the municipality receives the 4¢ fee per square foot and the Department of Public Safety receives the 1¢ fee per square foot of the proposed project.

# *Joint Standing Committee on Criminal Justice and Public Safety*

Public Law 2009, chapter 364 was enacted as an emergency measure effective June 11, 2009.

**LD 1243      An Act To Amend Operating After Suspension Laws by Creating an  
Infraction Alternative for Certain Kinds of Operating After Suspension**

**PUBLIC 297**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL	OTP-AM	H-412

This bill creates a two-tiered structure to the offense of operating while license suspended or revoked, making the offense a traffic infraction if the offense was a first offense and the sole basis for the suspension is for a dishonored check or the failure to pay a fine, appear in court, comply with a child support order or pay a license reinstatement fee. Effect of this change would be to take these specific offenses out of the criminal justice system and redirect them through the Judicial Branch's Violations Bureau where infractions are processed.

Under this bill, operating while license suspended or revoked when the underlying offense requiring the suspension or revocation involved the operation of a motor vehicle remains a Class E crime.

**Committee Amendment "A" (H-412)**

This amendment narrows the scope of the bill by eliminating the option to allow certain operating after suspension offenses to be considered traffic infractions in the case of a license that has been revoked and provides that certain operating after suspension infractions exist only in the case of license suspensions. The amendment also clarifies that the bill looks at prior adjudications as well as convictions for operating after suspension. The amendment removes from the bill the offenses of failure to appear in court and failure to comply with a child support order from the types of operating after suspension offenses that may be considered traffic infractions instead of crimes. Finally, the amendment specifies that the 3 operating after suspension offenses that are identified as traffic infractions are not included under the list of offenses for which a person is considered a habitual offender.

**Enacted Law Summary**

Public Law 2009, chapter 297 creates a two-tiered structure to the offense of operating while license suspended or revoked, making the offense a traffic infraction if the offense was a first offense and the sole basis for the suspension is for a dishonored check, for failure to pay a fine or for failure to pay a license reinstatement fee. These 3 operating after suspension offenses that are identified as traffic infractions are not included under the list of offenses for which a person is considered a habitual offender. Effect of this change would be to take these specific offenses out of the criminal justice system and redirect them through the Judicial Branch's Violations Bureau where infractions are processed.

**LD 1258      An Act To Create a Duty To Report Serious Injuries**

**ACCEPTED ONTP  
REPORT**

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

This bill creates a legal duty for a person who is 18 years of age or older and who observes that another person has received a serious injury to immediately report that injury and request first aid by the quickest means of communication available from any police department, emergency dispatch center, licensed medical facility or