

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

State may request a warrantless arrest of the person by a law enforcement officer.

8. It amends the administrative release provision to make reference to the fact that if the attorney for the State has probable cause to believe that the person placed on administrative release has violated an administrative release requirement, in addition to the option of applying for an arrest warrant, the attorney for the State may request a warrantless arrest of the person by a law enforcement officer.

9. It addresses the use of less-than-lethal munitions discharged from a firearm by law enforcement officers, corrections officers and corrections supervisors by amending 3 separate statutory provisions. First, it amends Title 17-A, section 101, subsection 5 to provide that the use of a less-than-lethal munition by those state agents constitutes, as a matter of law, the use of nondeadly force and defines "less-than-lethal munition" as "a low-kinetic energy projectile designed to be discharged from a firearm that is approved by the Board of Trustees of the Maine Criminal Justice Academy." Second, it amends the definition of "deadly force" in Title 17-A, section 2, subsection 8 to exclude the intentional, knowing or reckless discharge of a firearm in the direction of another person using a less-than-lethal munition and adds the mental state of "knowingly." Third, it amends Title 25, section 2803-B to require that all law enforcement agencies adopt a written policy on the use of physical force, including the use of an electronic weapon and less-than-lethal munitions and certify the same to the board; that the board establish policies for the expanded use of physical force; and all law enforcement agencies certify to the board that they have provided orientation and training for its members with respect to policies regarding expanded use of physical force.

10. It also specifies that, notwithstanding any other law or rule of evidence, a certificate by the custodian of the records of the Board of Trustees of the Maine Criminal Justice Academy, when signed and sworn to by that custodian, or the custodian's designee, is admissible in a judicial or administrative proceeding as prima facie evidence of any fact stated in the certificate or in any documents attached to the certificate.

LD 1338 An Act To Deter Graffiti

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRIGGS BRYANT B	ONTP	

This bill creates new civil offenses of applying graffiti on private or public property without permission from the owner, possessing graffiti implements by minors on or near a school or by persons near private or public property without permission of the property owner and furnishing graffiti implements to a minor, unless the person furnishing is the minor's parent or guardian. The penalties for these violations are a fine of up to \$250 for a first offense and a fine of up to \$500 for a 2nd or subsequent offense. Each day a violation occurs or remains is considered a separate violation, and a person who violates this section also shall pay restitution for all costs of removal of the graffiti. The bill also defines "graffiti," "graffiti implement," and "property" for purpose of the new violations.

LD 1342 Resolve, To Direct the Commissioner of Health and Human Services To Establish a Blue Ribbon Task Force To Examine the Attorney General's Report Regarding Police Shootings as It Relates to Deaths of Persons with Mental Illness

**ACCEPTED ONTP
REPORT**

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

Joint Standing Committee on Criminal Justice and Public Safety

This resolve requires the Commissioner of Health and Human Services to establish a blue ribbon task force to examine the Attorney General's recent task force report on the issue of police shootings in confrontations with people with mental illness and to recommend protocols to avoid lethal confrontations. The proposed task force must include members who represent public safety, mental health care and judicial services and members of the public. The blue ribbon task force is also directed to review the findings of the recent report of the Mental Health Homicide, Suicide and Aggravated Assault Review Board and ways that the public safety, judicial system and mental health fields interrelate in order to improve communication. The task force shall look at other states' procedures and protocols and review information from the National Alliance on Mental Illness. Finally, the task force shall make a recommendation about having a specially trained State Police tactical team respond to a dangerous situation involving a person with a mental illness. The commissioner will report to the Joint Standing Committee on Criminal Justice and Public Safety by March 1, 2010 with recommendations and suggested legislation of the blue ribbon task force. The joint standing committee is authorized to submit legislation to the Second Regular Session of the 124th Legislature to implement the recommendations.

Committee Amendment "A" (H-414)

This amendment is the minority report and it replaces the resolve and renames it. The amendment directs the Department of Corrections, the Department of Health and Human Services, the Department of Public Safety and the Judicial Department to work together to convene the Blue Ribbon Task Force on Law Enforcement, the Courts, the Correctional System and Persons with Mental Illness. The blue ribbon task force must review information from this State and other states regarding the costs, outcomes and effectiveness of the following issues: services to persons with mental illness, including but not limited to crisis services and community-based and facility-based mental health and substance abuse services, and the costs and delivery systems for those services; training for providers of mental health services regarding and procedures for coordination with law enforcement, the courts and the correctional system; training for law enforcement, the courts and correctional personnel regarding mental illness, working with persons with mental illness, working with persons with mental illness who also require substance abuse services, working with providers of services to persons with mental illness including providers of crisis services and substance abuse services and coordination with providers of services to persons with mental illness; any available information from the Mental Health Homicide, Suicide and Aggravated Assault Review Board established pursuant to the Maine Revised Statutes, Title 34-B, section 1931; and best practices for interactions between persons with mental illness, law enforcement, the courts, the corrections system and providers of services to persons with mental illness.

The amendment also requires a report from the agencies on the work of the blue ribbon task force by January 15, 2010 to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Criminal Justice and Public Safety. This amendment was not adopted.

LD 1373 An Act To Increase the Safety of Maine State Troopers

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAUDOIN BOWMAN	OTP-AM MAJ ONTP MIN	H-322

This bill includes a one-time General Fund appropriation of \$35,700 and a one-time Highway Fund allocation of \$34,300 to equip a limited number of state troopers with semi-automatic rifles.

Committee Amendment "A" (H-322)

This amendment incorporates a fiscal note and is the majority report.