

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

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:

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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 1374

An Act To Ensure the Effectiveness of Critical Incident Stress Management Teams

PUBLIC 289

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS	OTP	H-448 HASKELL

Maine State Police's Critical Incident Debriefing Team (CIDT) is a confidential program, unless failure to disclose any information learned in a CIDT session could cause a clear and present danger to the safety or security of an individual, the public or the Bureau. The same confidentiality and mandatory disclosure that govern the existing MSP program are codified in this bill. This bill establishes statutory guidelines for Critical Incident Stress Management Teams. A "critical incident" is a work-related incident that causes or has the potential to cause a law enforcement officer emotional or physical stress. A "critical incident stress management team" is a team composed of members of a State, county or municipal law enforcement agency that is trained in accordance with rules established by the Commissioner of Public Safety to assist and provide support to any law enforcement officer involved in a critical incident that has affected or may affect that law enforcement officer's work performance or general well-being.

All proceedings, communications and records connected with the work of a critical incident stress management team are confidential and not subject to compulsory legal process or otherwise discoverable or admissible in evidence in any civil action unless confidentiality is waived by the affected person. The exceptions to this confidentiality that require mandatory disclosure are: an admission of the commission of a crime by the person seeking assistance; information that would lead one to reasonably believe that the person is a danger to himself or herself or to another, and information that must otherwise be reported pursuant to law.

LD 1374 was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions to laws governing public records.

House Amendment "A" (H-448)

This amendment makes 2 changes to the bill. The first change specifies that statistical data not identifying a person seeking the assistance of a critical incident stress management team must be made available for statistical evaluation and may not be made available for any other purpose. The second change specifies that any information required to be disclosed under the Maine Revised Statutes, Title 25, section 4202, subsection 2 is no longer confidential unless it is otherwise designated confidential by statute.

This amendment incorporates the recommendations of the Joint Standing Committee on Judiciary pursuant to Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions to laws governing public records.

Enacted Law Summary

Public Law 2009, chapter 289 establishes statutory guidelines for Critical Incident Stress Management Teams. A "critical incident" is a work-related incident that causes or has the potential to cause a law enforcement officer emotional or physical stress. A "critical incident stress management team" is a team composed of members of a State, county or municipal law enforcement agency that is trained in accordance with rules established by the Commissioner of Public Safety to assist and provide support to any law enforcement officer involved in a critical incident that has affected or may affect that law enforcement officer's work performance or general well-being.

Public Law 2009, chapter 289 specifies that all proceedings, communications and records connected with the work

Joint Standing Committee on Criminal Justice and Public Safety

of a critical incident stress management team are confidential and not subject to compulsory legal process or otherwise discoverable or admissible in evidence in any civil action unless confidentiality is waived by the affected person. The exceptions to this confidentiality that require mandatory disclosure are: an admission of the commission of a crime by the person seeking assistance; information that would lead one to reasonably believe that the person is a danger to himself or herself or to another, and information that must otherwise be reported pursuant to law.

It also specifies that statistical data not identifying a person seeking the assistance of a critical incident stress management team must be made available for statistical evaluation and may not be made available for any other purpose. Any information required to be disclosed under the Maine Revised Statutes, Title 25, section 4202, subsection 2 is no longer confidential unless it is otherwise designated confidential by statute.

LD 1391 An Act To Amend the Laws Governing Emergency Management

PUBLIC 252

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY	OTP-AM	S-182

This bill amends the laws governing the Disaster Relief Fund to allow for reimbursed costs to be deposited back into the fund, to list uses of the fund and to adjust the fund's maximum allowable balance annually for inflation. It also revises language relating to chemical inventory reporting. It amends statutory language to reflect the administrative change that has phased out paper chemical inventory reporting forms in favor of electronic reports containing the same information. It repeals the Interstate Civil Defense and Disaster Compact, which has been superseded by the Emergency Management Assistance Compact.

Committee Amendment "A" (S-182)

This amendment clarifies that the Disaster Relief Fund may be used for any of the purposes outlined in the bill at the discretion of the Governor or Governor's designee. The amendment allows for flexibility of prioritization according to the unmet need during a disaster.

Enacted Law Summary

Public Law 2009, chapter 252 amends the laws governing the Disaster Relief Fund to allow for reimbursed costs to be deposited back into the fund, to list uses of the fund, to allow flexibility of prioritization according to the unmet need during a disaster and to adjust the fund's maximum allowable balance annually for inflation. It also revises language relating to chemical inventory reporting. It amends statutory language to reflect the administrative change that has phased out paper chemical inventory reporting forms in favor of electronic reports containing the same information. It repeals the Interstate Civil Defense and Disaster Compact, which has been superseded by the Emergency Management Assistance Compact.

LD 1442 An Act To Create the Advisory Committee on Bias-based Profiling by Law Enforcement Officers and Law Enforcement Agencies

PUBLIC 353

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS	OTP-AM MAJ OTP-AM MIN	S-265

This bill prohibits law enforcement officers from using racial profiling. This bill also adds a prohibition on racial profiling by law enforcement officers to the Maine Civil Rights Act and the Maine Human Rights Act. The bill