

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**

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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.

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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

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further requires the Board of Trustees of the Maine Criminal Justice Academy to develop mandatory law enforcement agency minimum policy standards regarding racial profiling and requires all law enforcement agencies to adopt policies and provide all officers with training regarding racial profiling. It also establishes the Advisory Committee on Racial Profiling to provide research and advice to the Commissioner of Public Safety and report annually to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters regarding racial profiling.

Committee Amendment "A" (S-265)

This amendment is the majority report of the Joint Standing Committee on Criminal Justice and Public Safety, and it changes the title and replaces the bill. The amendment creates the Advisory Committee on Bias-based Profiling by Law Enforcement Officers and Law Enforcement Agencies whose membership includes the Commissioner of Public Safety, the Attorney General, representatives of law enforcement groups, representatives of civil rights groups and a representative from a federally recognized Indian tribe in the State. The duties of the committee include: working with the Board of Trustees of the Maine Criminal Justice Academy to develop a model policy on bias-based profiling; working with law enforcement across the State on a voluntary basis to assess whether or not bias-based profiling occurs in Maine and, if it does, to what extent and making recommendations to address the matter; making recommendations to the Board of Trustees of the Maine Criminal Justice Academy on curricula for basic and in-service law enforcement training on the subject of bias-based profiling; establishing a mechanism for outreach and public awareness campaigns to educate advocacy organizations and the general public about modern law enforcement practices and procedures; and advising the Legislature on matters involving bias-based profiling on its own initiative and when requested.

The amendment also specifies that the committee is required to report annually to the Joint Standing Committee on Criminal Justice and Public Safety and to the Board of Trustees of the Maine Criminal Justice Academy. The Joint Standing Committee on Criminal Justice and Public Safety has authority to report out legislation each year upon receiving the report. The amendment creates a nonlapsing Other Special Revenue Funds account for the deposit of funds from outside sources. The Commissioner of Public Safety shall administer the fund and may use the fund only to support the administrative costs associated with the committee and educational and training materials regarding bias-based profiling.

The laws governing the Advisory Committee on Bias-based Profiling by Law Enforcement Officers and Law Enforcement Agencies and its Other Special Revenue Funds account are repealed on November 1, 2012.

Enacted Law Summary

Public Law 2009, chapter 353 creates the Advisory Committee on Bias-based Profiling by Law Enforcement Officers and Law Enforcement Agencies whose membership includes the Commissioner of Public Safety, the Attorney General, representatives of law enforcement groups, representatives of civil rights groups and a representative from a federally recognized Indian tribe in the State. The duties of the committee include: working with the Board of Trustees of the Maine Criminal Justice Academy to develop a model policy on bias-based profiling; working with law enforcement across the State on a voluntary basis to assess whether or not bias-based profiling occurs in Maine and, if it does, to what extent and making recommendations to address the matter; making recommendations to the Board of Trustees of the Maine Criminal Justice Academy on curricula for basic and in-service law enforcement training on the subject of bias-based profiling; establishing a mechanism for outreach and public awareness campaigns to educate advocacy organizations and the general public about modern law enforcement practices and procedures; and advising the Legislature on matters involving bias-based profiling on its own initiative and when requested.

Public Law 2009, chapter 353 also specifies that the committee is required to report annually to the Joint Standing Committee on Criminal Justice and Public Safety and to the Board of Trustees of the Maine Criminal Justice Academy. The Joint Standing Committee on Criminal Justice and Public Safety has authority to report out legislation each year upon receiving the report. Public Law 2009, chapter 353 creates a nonlapsing Other Special Revenue Funds account for the deposit of funds from outside sources. The Commissioner of Public Safety shall

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administer the fund and may use the fund only to support the administrative costs associated with the committee and educational and training materials regarding bias-based profiling.

The laws governing the Advisory Committee on Bias-based Profiling by Law Enforcement Officers and Law Enforcement Agencies and its Other Special Revenue Funds account are repealed on November 1, 2012.

LD 1447 An Act Clarifying the Manner in Which a Person's Alcohol Level Is Determined under Maine Law

PUBLIC 447

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM	H-521 HASKELL S-202

Maine prohibits driving while under the influence of alcohol or driving impaired, which is a subjective determination made by law enforcement, courts and juries based on all factors, including speech, driving, smell and test results. Maine also prohibits driving with a blood alcohol level of .08% or greater, whether or not a person is impaired. Current law regarding operating while under the influence of alcohol specifies, in most occurrences, a blood-alcohol level. Maine uses the value of only blood alcohol to determine intoxication using both breath and blood samples. This bill clarifies that the presence and level of alcohol may be determined by using breath or blood testing; it provides a new method: .08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath.

Committee Amendment "A" (S-202)

This amendment adds an appropriations and allocations section to the bill.

House Amendment "A" To Committee Amendment "A" (H-521)

This amendment removes the appropriations and allocations section and requires the Department of Public Safety and the Secretary of State to implement the provisions of the legislation within existing budgeted resources.

Enacted Law Summary

Current law regarding operating while under the influence of alcohol specifies, in most occurrences, a blood-alcohol level. Maine uses the value of only blood alcohol to determine intoxication using both breath and blood samples. Public Law 2009, chapter 447 clarifies that the presence and level of alcohol may be determined by using breath or blood testing; it codifies this method of determining intoxication: .08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath.

LD 1466 An Act To Establish the Maine Fire Protection Services Commission Length of Service Award Program

ACCEPTED ONTP REPORT

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

This bill establishes the framework for a statewide pension-type program under which "bona fide volunteers" as defined in the United States Internal Revenue Code are paid length of service awards for performing qualified services. The term "qualified services" is defined under the United States Internal Revenue Code, Section 457 (e)