

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

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)

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(11) to mean "firefighting and prevention services, emergency medical services, and ambulance services." Under the program, volunteers have a program account that would be credited with an annual contribution as of the end of each year during which the volunteer participated in a minimum required level of volunteer activities set forth by the Maine Fire Protection Services Commission. Upon the attainment of 60 years of age or after having earned 20 years of service credit before 60 years of age, a volunteer who had attained a vested status in the program by having earned 5 years of service credit would be paid the contributions credited to that volunteer's program account plus the net investment income earned on those contributions. The program account balance of a participating volunteer must be paid before 60 years of age after the volunteer ceases to perform qualified services for 36 consecutive months after attaining a vested status in the program. The program account balance of a participating volunteer is also payable before 60 years of age upon death or total and permanent disablement. LD 1466 authorizes the State, political subdivisions and emergency services providers within the State as well as emergency services volunteers to participate in the funding of this program. Participation in the program funding is optional for any prospective contributor and the amount contributed may vary from year to year by a contributor based on available funds. If federal funds become available for the program, the program must accept those funds as well. The Maine Fire Protection Services Commission contracts with private sector firms to provide administration and investment services for the program. Until the United States Internal Revenue Code is amended to provide that programs under which length of service awards are paid to emergency services volunteers may be treated as United States Internal Revenue Code, Section 457 plans of deferred compensation, the program in this bill must comply with the current applicable sections of the Internal Revenue Code.

Committee Amendment "A" (H-348)

This amendment, which is the minority report of the committee, adds an appropriations and allocations section to the bill.