

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the Second Regular Session of the 124th Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE
AND PUBLIC SAFETY**

April 2010

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STATE OF MAINE

124TH LEGISLATURE
SECOND 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 Second 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:

<i>CARRIED OVER</i>	<i>Carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN HOUSES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i>	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session of the 124th Legislature is Monday, July 12, 2010. 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

This bill removes the provision permitting a prospective hazardous chemical and substance inventory report and fee based on projected inventory levels to be submitted to the Maine Emergency Management Agency at the time of registration and leaves the requirement that the inventory report and fee for the previous year be submitted annually on March 1st.

Enacted Law Summary

Public Law 2009, chapter 479 removes the provision permitting a prospective hazardous chemical and substance inventory report and fee based on projected inventory levels to be submitted to the Maine Emergency Management Agency at the time of registration and leaves the requirement that the inventory report and fee for the previous year be submitted annually on March 1st.

LD 1576 An Act To Improve the Ability of the Commissioner of Corrections To Respond in Special Situations

PUBLIC 498

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUMMER	OTP-AM	H-615

This bill authorizes the Commissioner of the Department of Corrections to establish ongoing emergency response teams consisting of personnel from more than one facility to assist in emergency situations throughout the department. Current law provides that when emergency situations are certified by the chief administrative officer to exist at a facility, the Commissioner, with approval of the Governor, may assign personnel, from other facilities temporarily and as necessary, to assist in the emergency.

Committee Amendment "A" (H-615)

This amendment clarifies that the Commissioner of Corrections has authority to create interfacility teams to respond to special situations throughout the department. The amendment ensures that the commissioner may pull staff with expertise from one facility to assist in a special situation in another facility. The amendment does not change the current procedure for emergencies, in which the commissioner must seek approval from the Governor to assign personnel as necessary to assist in emergency situations.

Enacted Law Summary

Public Law 2009, chapter 498 clarifies that the Commissioner of Corrections has authority to create interfacility teams to respond to special situations throughout the department. Public Law 2009, chapter 498 ensures that the commissioner may pull staff with expertise from one facility to assist in a special situation in another facility. This does not change the current procedure for emergencies, in which the commissioner must seek approval from the Governor to assign personnel as necessary to assist in emergency situations.

LD 1583 An Act To Improve the Delivery of Community Corrections Services

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL	OTP-AM	H-679

Joint Standing Committee on Criminal Justice and Public Safety

This bill amends the juvenile disposition provisions to provide that restitution orders for juvenile offenders be handled through the Department of Corrections, just as the department handles orders for adult offenders. The bill provides that all repeat sexual assault offenders who are incarcerated as a result of a probation revocation must participate in a sex offender treatment program when requested by the department or in the alternative, have their probation revoked.

The bill authorizes probation officers to respond to violations of no contact conditions of probation for probationers or to violations of no contact conditions for supervised release for sex offenders while the probationer or offender is still incarcerated. LD 1583 allows a probation officer to move for revocation of probation of a person who is serving an initial term of imprisonment or being held for a violation and who continues to have prohibited contact with the victim while in jail or prison. The bill also provides the same authority for revocation of supervised release for a sex offender who is incarcerated and continues to have prohibited contact with a victim.

Committee Amendment "A" (H-679)

This amendment specifies that probation and supervised release may be revoked for misconduct occurring during a term of imprisonment served pursuant to any partial revocation of probation or supervised release. The bill authorizes revocation of probation and supervised release only for misconduct occurring during the initial term of imprisonment. The amendment also adds an appropriations and allocations section.

This amendment was never removed from the Special Appropriations Table and died on adjournment.

LD 1588 An Act To Change the Penalties for Writing Bad Checks

PUBLIC 495

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHAW DIAMOND	OTP-AM	H-616

This bill authorizes a person in a civil action against another for a dishonored check to recover up to three times the amount of the check, in addition to court costs, processing and interest. Current law authorizes recovery of the amount of the check, plus the other charges. Current law also provides that before recovering costs, the holder must first give notice for payment of the check, as outlined in Title 14 §6073, to the person liable, and the person liable fails to tender the amount of the check plus bank fees and mailing costs within 10 days of receiving that notice.

The bill provides a person up to 18 months after the date on the dishonored check to bring an action to recover costs, and specifies that if a person does not pay three times the amount of the dishonored check before a hearing, then the court may award reasonable attorney's fees and shall award a civil penalty not to exceed \$50 to the holder of the dishonored check.

The bill also amends the crime of theft by creating a new version; a person is guilty of theft if the person negotiates a worthless instrument as described in Title 17-A §708 and 30 days have passed since the there was a transfer of property in exchange for the worthless instrument.

The bill also amends the negotiating a worthless instrument statute by increasing the Class of crime from a Class E to a Class D crime and by making negotiating a worthless instrument of more than \$500 up to \$10,000 a Class C crime.

Committee Amendment "A" (H-616)

This amendment replaces the bill and increases from an amount not to exceed \$50 to an amount not to exceed \$150 the civil penalty that a court may order be paid to the holder of a bad check by a person liable for the check. This