

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 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

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penalty, in addition to reasonable attorney's fees, may be imposed by the court when the person liable does not pay the amount of the check, plus costs and interest, before the hearing.

Enacted Law Summary

Public Law 2009, chapter 495 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 penalty, in addition to reasonable attorney's fees, may be imposed by the court when the person liable does not pay the amount of the check, plus costs and interest, before the hearing.

LD 1590 An Act To Update and Clarify Polygraph Examiner and Private Investigator Licensing Laws Administered by the Department of Public Safety

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL	ONTP	

This bill makes the following changes to the polygraph examiner and private investigator licensing laws that are administered by the Department of Public Safety.

1. Polygraph is redefined more generally as an instrument designed to verify the truth of statements.
2. Only licensed polygraph examiners are authorized to conduct polygraphs.
3. Canada is included in the reciprocity law for polygraph examiners.
4. Inquiries into sexual behavior of an examinee are grounds for denial, suspension or revocation of a polygraph license unless the inquiry is specifically relevant or an applicant for a position with a law enforcement agency.
5. Only a licensed polygraph examiner whose license has been endorsed by the Commissioner can administer post-conviction sex offender polygraph exams. That license requires 40 hours of training and 200 complete polygraph exams.
6. Exceptions to private investigator license requirements are increased to include expert testimony; licensed professionals, whose professional work includes responsibilities that include private investigation; and securing information from the public domain including the Internet.

LD 1609 An Act To Expand the Use of Ignition Interlock Devices

PUBLIC 482

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL JACKSON	OTP	

This bill allows a person who committed a second or third OUI offense prior to September 1, 2008 to apply for early termination of a driver's license suspension on the condition that the person installs an ignition interlock device (IID) in the motor vehicle the person operates. This bill repeals the prior effective date that applied the new law to OUI offenses occurring after August 31, 2008, making the option available to more persons.