

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
124<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



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

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

April 2010

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# STATE OF MAINE

124<sup>TH</sup> LEGISLATURE  
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## 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 124<sup>th</sup> 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 &amp; 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&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; 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 124<sup>th</sup> 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*

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.

## *Joint Standing Committee on Criminal Justice and Public Safety*

The bill also clarifies that the mandatory requirement of installing an IID by persons with four or more OUIs be applied only from the time the law was enacted for offenses committed after August 31, 2008 and going forward. Since the IID requirement is mandatory in these cases, applying the law prospectively puts defendants on notice of the requirement.

### **Enacted Law Summary**

Public Law 2009, chapter 482 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. Public Law 2009, chapter 482 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.

Public Law 2009, chapter 482 also clarifies that the mandatory requirement of installing an IID by persons with four or more OUIs be applied only from the time the law was enacted for offenses committed after August 31, 2008 and going forward. Since the IID requirement is mandatory in these cases, applying the law prospectively puts defendants on notice of the requirement.

### **LD 1610 An Act To Establish the Silver Alert Program**

**PUBLIC 583**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO CRAVEN	OTP-AM MAJ ONTP MIN	H-709

This bill establishes the Silver Alert Program, a statewide alert program for missing adults with disabilities. A missing adult is defined as one who has a cognitive impairment, lives in Maine, whose whereabouts is unknown and whose disappearance threatens their well-being. The Silver Alert Program is established in cooperation with the Department of Transportation, the Maine Turnpike Authority, the Maine Association of Broadcasters, the Governor's Office and appropriate law enforcement agencies. It requires a local law enforcement agency to notify the Department of Public Safety, all law enforcement officers in the county and enter a report to the state missing persons file and the National Crime Information Center. The department would issue an alert including notifying the media. The bill also requires all law enforcement agencies to adopt written policies regarding missing adults with disabilities and requires the Board of Trustees of the Maine Criminal Justice Academy to establish mandatory minimum standards for such policies by no later than January 1, 2011. All law enforcement agencies would be required to certify to the Board of Trustees of the Maine Criminal Justice Academy by no later than June 1, 2011 that their policies are consistent with the minimum standards established by the board and to certify to the Board of Trustees of the Maine Criminal Justice Academy by no later than January 1, 2012 that all law enforcement officers have received orientation and training with respect to the policies.

### **Committee Amendment "A" (H-709)**

This amendment, which is the majority report, replaces the bill. It requires the Department of Public Safety to develop a Silver Alert Program for missing senior citizens in cooperation with the Department of Transportation, the Maine Turnpike Authority, the Office of the Governor, a statewide organization representing broadcast groups in the State and appropriate law enforcement agencies. The Silver Alert Program must include standards of procedure for receiving reports of a missing person with an irreversible deterioration of intellectual faculties such as dementia, activating a Silver Alert at the appropriate local or statewide level, and a plan for alerting the public through the media and highway message signs. The Silver Alert Program must also include appropriate training for all law