

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.

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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

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enforcement officers. The program and training must be developed and implemented within existing resources. The amendment removes the requirement for Board of Trustees of the Maine Criminal Justice Academy to establish mandatory minimum standards by January 1, 2011 and for law enforcement agencies to certify that their policies are consistent with those standards.

Enacted Law Summary

Public Law 2009, chapter 583 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 enforcement officers. The program and training must be developed and implemented within existing resources.

**LD 1611 *Resolve, Directing the Department of Corrections To Coordinate
Review of Due Process Procedures and To Ensure Transparency in
Policies Regarding the Placement of Special Management Prisoners***

RESOLVE 213

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHATZ MARRACHE	ONTP A OTP-AM B OTP-AM C	H-763

This bill proposes minimum standards for the humane treatment of special management prisoners of the Department of Corrections. As defined in this bill, a "special management prisoner" is a prisoner assigned to one of several high-risk categories and confined in a secure special management unit. The bill also defines "serious mental illness" and "special management unit (SMU)."

The minimum standards established in this bill include the following.

The confinement of prisoners with serious mental illness to a SMU is prohibited.

The department shall provide a private evaluation by a licensed mental health professional within 48 hours of a prisoner's placement in a SMU and shall provide subsequent evaluations at least every seven days after the initial evaluation. Evaluations must be in person, not through a cell door and must assess the current mental status and condition of the prisoner, the current risk of suicide or other self-harming behavior and include a review of the prisoner's inpatient and outpatient treatment history. A prisoner determined to suffer from a serious mental illness at the time of an evaluation must be removed from the SMU within seven days. If the prisoner is subsequently transferred to a psychiatric or mental health unit or a hospital, the commissioner shall ensure that the prisoner is held in conditions that are consistent with those established in the bill.

A prisoner's confinement to a SMU may be no more than 45 consecutive days, unless it is determined at a hearing that the prisoner has committed or attempted to commit a sexual assault, an escape from confinement or an act of violence within the previous 45 days of incarceration. Hearings must be held by a panel of at least three persons appointed by the Commissioner of Corrections, one of whom must be a clinician representing the mental health staff at that facility.

The hearing process, at which the department has the burden of proof, involves the following. The Commissioner must provide written notice to the prisoner at least 72 hours before the hearing and the notice must set forth the factual basis for the continued placement in the SMU. Notice must also be provided to the prisoner indicating that