

# 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

report out a bill to the 125th Legislature.

**LD 1612**

## **An Act To Amend the Laws Regarding the Unlawful Use of License or Identification Card**

**PUBLIC 493**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS	OTP-AM	H-617

This bill amends the offense of possessing or displaying a suspended license by creating a two-tier violation, a crime and a traffic infraction, which parallels the changes made to the operating after suspension statute by Public Law 2009, chapter 297. The bill provides that a person commits a Class E crime if that person displays or possesses a suspended driver's license or identification card when operation of the motor vehicle by that person is punishable as a crime. The bill also provides that a person commits a traffic infraction if that person displays or possesses a suspended driver's license or identification card when operation of the motor vehicle by that person is punishable as a traffic infraction.

The bill further adds a cross-reference to clarify what is intended by the conduct of "operating while license suspended." The conduct is as described in the Maine Revised Statutes, Title 29-A, section 2412-A, subsection 1-A, paragraph A. The bill also clarifies which prohibited acts are strict liability crimes.

### **Committee Amendment "A" (H-617)**

This amendment strikes from the bill language regarding the suspension of an identification card, as it is not suspended like a driver's license. The amendment also gives a law enforcement officer the authority to have towed a motor vehicle of a person who is issued a summons for a traffic infraction operating after suspension.

### **Enacted Law Summary**

Public Law 2009, chapter 493 amends the offense of possessing or displaying a suspended license by creating a two-tier violation, a crime and a traffic infraction, which parallels the changes made to the operating after suspension statute by Public Law 2009, chapter 297. Public Law 2009, chapter 493 provides that a person commits a Class E crime if that person displays or possesses a suspended driver's license when operation of the motor vehicle by that person is punishable as a crime. Public Law 2009, chapter 493 further provides that a person commits a traffic infraction if that person displays or possesses a suspended driver's license when operation of the motor vehicle by that person is punishable as a traffic infraction. Public Law 2009, chapter 493 also gives a law enforcement officer the authority to have towed a motor vehicle of a person who is issued a summons for a traffic infraction operating after suspension.

Public Law 2009, chapter 493 also adds a cross-reference to clarify what is intended by the conduct of "operating while license suspended." The conduct is as described in the Maine Revised Statutes, Title 29-A, section 2412-A, subsection 1-A, paragraph A.