

# 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:

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

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***

**LD 1700     An Act Concerning Statewide Communications Interoperability**

**DIED BETWEEN  
HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT P BLISS	ONTP MAJ OTP-AM MIN	H-775

This bill requires that the Department of Administrative and Financial Services, Office of Information Technology ensure that, in meeting the purposes set forth in the law establishing the Statewide Radio and Network System Reserve Fund, the ability of state agencies and agencies of county and local government to communicate with one another is in no way diminished, and the counties and local units of government are not required to replace or upgrade their equipment at their own expense solely in order to maintain their ability to communicate with state agencies. The bill also requires that a portion of the Statewide Radio and Network System Reserve Fund, which is financing the statewide radio and network system used by state agencies, is used to reimburse county and local governments for the purchase of radio equipment necessary for them to communicate on the new network.

**Committee Amendment "A" (H-775)**

This amendment, which is the minority report, removes the requirement for the Statewide Radio and Network System Reserve Fund to reimburse counties and local units of government for purchasing radio equipment necessary for counties and local units of government to communicate on the new statewide radio and network system. It requires the Department of Administrative and Financial Services, Office of Information Technology to ensure that the ability of county and local governments to communicate with state agencies is enhanced whenever possible and is not significantly diminished under the new statewide radio and network system.

**LD 1703     Resolve, To Implement the Recommendations of the Juvenile Justice Task Force**

**RESOLVE 204  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL GERZOFISKY	OTP-AM	H-708 S-498 GERZOFISKY

This emergency resolve implements the recommendations of the Juvenile Justice Task Force. The resolve includes directives to the Departments of Corrections, Education, Health and Human Services and Labor to develop a statewide coordinated services district system by June 1, 2010. The system will be responsible for coordinating and implementing service delivery initiatives for the purpose of increasing high school graduation rates, reducing the number of youth in the juvenile justice system, reducing child abuse and neglect and increasing employment opportunities for youth. The resolve also directs the system to work with the Children's Cabinet.

The resolve directs that by December 1, 2010, the Department of Corrections shall design and implement two demonstration projects that use a capitated funding model to provide services for youth who are in the juvenile justice system. The specific goals for the demonstration projects are to increase school completion and reduce the use of detention and incarceration. The demonstration projects shall include access to a full array of in-home and out-of-home placements and substance abuse and mental health services. The demonstration projects shall work with the coordinated services district system developed under Section 1 and the Children's Cabinet to coordinate services and to ensure flexible funding and timely response and provision of services. The demonstration projects must be

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funded with existing resources.

The resolve directs the Departments of Corrections and Health and Human Services to develop a plan that will detail a statewide system for in-home and out-of-home placements for youth in the juvenile justice system by June 1, 2010. The plan must include funding options for emergency shelter placements, foster home placements and residential placements.

The resolve directs that by June 1, 2010 the Departments of Corrections, Health and Human Services and Education develop a plan that identifies an ongoing mechanism for providing flexible funding for youth who are served by multiple state agencies. The plan must include resources from public, private and nonprofit sectors.

The resolve requires that the Department of Corrections report progress on these cooperative initiatives to the joint standing committee of the Legislature having jurisdiction over juvenile justice matters by January 15, 2011 and gives that committee authority to introduce suggested legislation to implement the recommendations to the 125th Legislature.

### **Committee Amendment "A" (H-708)**

This amendment strikes from the resolve language directing the Department of Corrections to design and implement two demonstration projects. The amendment adds language to the resolve directing the Department of Corrections, in cooperation with the Department of Health and Human Services, the Department of Education and the Department of Labor, to work with the coordinated services district system and the Children's Cabinet to coordinate services and to ensure flexible funding and timely response and provision of services. The amendment also specifies that the coordinated services district system must be funded with existing resources.

The amendment also changes some dates for development in order to provide adequate time for completion of the necessary work.

### **House Amendment "A" To Committee Amendment "A" (H-773)**

This amendment changes reporting dates and provides a deadline of April 30, 2011 for the committee of jurisdiction to submit a bill to the 125th Legislature. This amendment was not adopted.

### **Senate Amendment "A" (S-498)**

This amendment removes language that requires the Department of Corrections to include with its progress report proposed legislation necessary to implement the initiatives. It also removes language that provides the joint standing committee of the Legislature having jurisdiction over juvenile justice issues authority to introduce legislation to the 125th Legislature based on the department's report.

### **Enacted Law Summary**

Resolve 2009, chapter 204 implements recommendations of the Juvenile Justice Task Force. The resolve includes directives to the Departments of Corrections, Education, Health and Human Services and Labor to develop a statewide coordinated services district system. The system will be responsible for coordinating and implementing service delivery initiatives for the purpose of increasing high school graduation rates, reducing the number of youth in the juvenile justice system, reducing child abuse and neglect and increasing employment opportunities for youth. The resolve also directs the system to work with the Children's Cabinet.

Resolve 2009, chapter 204 directs the Department of Corrections, in cooperation with the Department of Health and Human Services, the Department of Education and the Department of Labor, to work with the coordinated services district system and the Children's Cabinet to coordinate services and to ensure flexible funding and timely response and provision of services. The coordinated services district system must be funded with existing resources.

Resolve 2009, chapter 204 directs the Departments of Corrections and Health and Human Services to develop a plan that will detail a statewide system for in-home and out-of-home placements for youth in the juvenile justice system

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by September 1, 2010. The plan must include funding options for emergency shelter placements, foster home placements and residential placements.

Resolve 2009, chapter 204 directs that by January 15, 2011 the Departments of Corrections, Health and Human Services and Education develop a plan that identifies an ongoing mechanism for providing flexible funding for youth who are served by multiple state agencies. The plan must include resources from public, private and nonprofit sectors.

Resolve 2009, chapter 204 also requires that the Department of Corrections report progress on these cooperative initiatives to the joint standing committee of the Legislature having jurisdiction over juvenile justice matters by January 15, 2011.

Resolve 2009, chapter 204 was finally passed as an emergency measure effective April 7, 2010.

### **LD 1737 An Act To Clarify Safety Requirements in Acadia National Park**

**PUBLIC 607**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM MAJ OTP-AM MIN	S-424 S-459 RAYE

The federal Credit Card Accountability Responsibility and Disclosure Act of 2009, Public Law 111-24, Section 512 repealed a federal ban on firearms in national parks, effective February 22, 2010. The federal law prohibits the Department of Interior from adopting or enforcing rules that prohibit people from possessing firearms in national parks and wildlife refuges, as long as the person is in compliance with state law. Unless the State prohibits possession in the national parks and wildlife refuges, people can carry firearms in those places.

This bill proposes to maintain the prohibition of possession of firearms in national parks by prohibiting possession of a firearm in any unit of the United States National Park System in Maine, except: within a residential dwelling; to the extent the firearm is used in connection with hunting when and where authorized by State or federal law; within a mechanical mode of conveyance as long as the firearm is rendered temporarily inoperable or is packed, cased or stored in a manner that prevents its ready use; or when the firearm is carried by an authorized federal, state or local law enforcement officer in the performance of the officer's official duties.

This bill's intent is to promote public safety and the preservation of wildlife by maintaining consistency with the prior prohibition against possession of firearms in national parks, with exceptions noted above, which are like the exceptions in some of Maine's state parks. In some of Maine's state parks hunting is permitted at certain times; at some firearms are prohibited at all times.

#### **Committee Amendment "B" (S-425)**

This amendment is the minority report of the Joint Standing Committee on Criminal Justice and Public Safety and amends the bill to apply only to Acadia National Park. The amendment prohibits possession of firearms in Acadia National Park except within a residential dwelling; to the extent the firearm is used in connection with hunting when and where authorized by state or federal law; within a mechanical mode of conveyance as long as the firearm is rendered temporarily inoperable or is packed, cased or stored in a manner that prevents its ready use; or when the firearm is carried by an authorized federal, state or local law enforcement officer in the performance of the officer's official duties. Under this amendment, violation of this prohibition is a Class E crime.

This amendment was not adopted.