

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**

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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

state correctional facility or county jail should be assigned a new service responsibility, downsized or closed.

Enacted Law Summary

Resolve 2009, chapter 165 provides for legislative review of Chapter 2: Change of Use, Downsizing, or Closure of Correctional Facilities, a major substantive rule of the State Board of Corrections. The rule establishes the process and standards used by the Board of Corrections to determine the use of state correctional facilities and county jails including if a state correctional facility or county jail should be assigned a new service responsibility, downsized or closed.

Resolve 2009, chapter 165 was finally passed as an emergency measure effective March 22, 2010.

LD 1745 An Act To Amend the Laws Governing County Jail Budgeting for York County

**DIED ON
ADJOURNMENT**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| NASS R | OTP-AM | S-461 |

This bill provides that the county commissioners of York County may use revenue generated from boarding prisoners in the county jail in York County for any county expense. It requires the county commissioners to use money from the budget of the county jail in York County to pay the cost of payroll expenses for administrative services that are properly allocated to the county jail in York County. It requires the county commissioners of York County to pay the cost of debt service for the county jail in York County from the budget of the county jail in York County.

Committee Amendment "A" (S-461)

This amendment replaces the bill. It amends the tax assessment that can be collected annually by counties for the provision of correctional services, excluding debt service, so that York County's cap is reduced by \$280,433. The lease-purchase arrangement for the heating, ventilating and air conditioning system that amounts to \$280,433 a year is determined as debt rather than correctional expenditures and moved outside of the cap. The changes take effect on July 1, 2010 to coincide with the fiscal year. The amendment adds an emergency preamble and emergency clause.

This amendment was never removed from the Special Appropriations Table and died on adjournment.

Senate Amendment "A" To Committee Amendment "A" (S-548)

This amendment removes the emergency preamble and emergency clause. This amendment was never introduced.

LD 1766 Resolve, Regarding Legislative Review of Chapter 15: Batterer Intervention Program Certification, a Major Substantive Rule of the Department of Corrections

**RESOLVE 170
EMERGENCY**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| | OTP | |

Joint Standing Committee on Criminal Justice and Public Safety

This resolve provides for legislative review of Chapter 15: Batterer Intervention Program Certification, a major substantive rule of the Department of Corrections. The updated rule makes technical changes to the Batterer Intervention Program Certification.

Enacted Law Summary

Resolve 2009, chapter 170 provides for legislative review of Chapter 15: Batterer Intervention Program Certification, a major substantive rule of the Department of Corrections. The updated rule makes technical changes to the Batterer Intervention Program Certification.

Resolve 2009, chapter 170 was finally passed as an emergency measure effective March 24, 2010.

LD 1777 An Act To Display the Homeland Security Advisory System at Public Transportation Facilities

ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------|---------------------------|
| PILON NUTTING J | ONTP | |

This bill requires the posting of information about the federal Homeland Security Advisory System and its color-coded threat conditions in publicly accessible locations in public transportation facilities.

LD 1789 An Act Containing the Recommendations of the Criminal Law Advisory Commission

PUBLIC 608

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| | OTP-AM | H-742 |

This bill amends the Maine Juvenile Code to specify that restitution for juvenile offenders is the same as restitution for adult offenders under the Maine Revised Statutes, Title 17-A, chapter 54, except that section 1329, the restitution default provision, does not apply to juvenile offenders. Although section 1329 does not apply to juvenile offenders, enforcement of a restitution order imposed in a juvenile case is available pursuant to Title 15, section 3314, subsection 7, enforcement of a dispositional order.

The bill amends the Maine Juvenile Code to provide the court the authority to employ upon any default in payment of a fine or restitution the levying of execution or the taking of other measures authorized for the collection of unpaid civil judgments to collect the unpaid fine or restitution. A levy of execution does not affect confinement ordered as a punitive sanction and does not discharge a juvenile confined as a remedial sanction until the full amount of the fine or restitution has been paid. The amendment is modeled on Title 17-A, section 1304, subsection 4 and Title 17-A, section 1329, subsection 4.

The bill amends laws regarding dissemination of sexually explicit material and possession of sexually explicit material by clarifying that the age of the person depicted means the age of the person at the time the sexually explicit conduct occurred, not the age of the person depicted at the time of dissemination or possession of the sexually explicit visual image or material.