

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
125<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

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

July 2011

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LEGISLATIVE DIGEST OF BILL SUMMARIES AND  
ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 125<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD 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 LD is noted to the right of the LD title. The following describes the various final actions.

*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; legislation died  
*DIED BETWEEN HOUSES*..... House & Senate disagreed; legislation died  
*DIED IN CONCURRENCE*..... defeated in each house, but on different motions; legislation died  
*DIED ON ADJOURNMENT*..... action incomplete when session ended; legislation died  
*EMERGENCY*..... enacted law takes effect sooner than 90 days after session adjournment  
*FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE* ..... emergency failed to receive required 2/3 vote  
*FAILED, ENACTMENT or FINAL PASSAGE*..... failed to receive final majority vote  
*FAILED, MANDATE ENACTMENT* ..... legislation proposing local mandate failed required 2/3 vote  
*HELD BY GOVERNOR*..... Governor has not signed; final disposition to be determined at subsequent session  
*LEAVE TO WITHDRAW*..... sponsor's request to withdraw legislation granted  
*NOT PROPERLY BEFORE THE BODY*..... ruled out of order by the presiding officer; legislation died  
*INDEF PP*..... indefinitely postponed; legislation died  
*ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X*... ought-not-to-pass report accepted; legislation died  
*P&S XXX*..... chapter # of enacted private & special law  
*PUBLIC XXX*..... chapter # of enacted public Law  
*RESOLVE XXX*..... chapter # of finally passed resolve  
*VETO SUSTAINED*..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 125<sup>th</sup> Legislature is September 28, 2011. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

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

This bill requires that an examination and inquest be held whenever a prisoner in a state correctional or detention facility dies. It also requires a medical examiner to determine whether an autopsy is needed. If the medical examiner determines that an autopsy is needed, an autopsy must be performed unless the prisoner had expressed a preference when admitted to the facility or at any other time that an autopsy not be performed or the next of kin of the prisoner expresses a preference that an autopsy not be performed. The next of kin of the client may also request that an autopsy be performed, in which case an autopsy must be performed.

**Committee Amendment "A" (H-86)**

This amendment replaces the bill and amends the statute regarding medical examiner cases to specify that a medical examiner case may exist and must be reported when a person dies in custody pursuant to an arrest or confinement in a state correctional facility, county jail, other correctional facility or local lockup or while in transport between any of these places while in the custody of a law enforcement officer or county or state corrections official. The amendment removes the current exception covering a prisoner's death that is due to specific natural causes that are clearly certifiable by an attending physician. This means that whenever a death occurs in these circumstances, the death must be reported to the Chief Medical Examiner, and the Chief Medical Examiner must then determine whether the case is a medical examiner case. The amendment also amends the provision in Title 34-A regarding the unnatural death of a client to be consistent with the Chief Medical Examiner's responsibilities described under Title 22, chapter 711.

**Enacted Law Summary**

Public Law 2011, chapter 60 amends the statute regarding medical examiner cases to specify that a medical examiner case may exist and must be reported when a person dies in custody pursuant to an arrest or confinement in a state correctional facility, county jail, other correctional facility or local lockup or while in transport between any of these places while in the custody of a law enforcement officer or county or state corrections official. Public Law 2011, chapter 60 removes the current exception covering a prisoner's death that is due to specific natural causes that are clearly certifiable by an attending physician. This means that whenever a death occurs in these circumstances, the death must be reported to the Chief Medical Examiner, and the Chief Medical Examiner must then determine whether the case is a medical examiner case. Public law 2011, chapter 60 also amends the provision in the Maine Revised Statutes, Title 34-A regarding the unnatural death of a client to be consistent with the Chief Medical Examiner's responsibilities described under Title 22, chapter 711.

See also Part D, Sections D-3 through D-5 of Committee Amendment "A" to LD 1480, An Act to Make Correct Errors and Inconsistencies in the Laws of Maine, which was enacted as Public Law 2011, chapter 420. These sections correct technical issues in language adopted pursuant to Public Law 2011, chapter 60 and ensure proper implementation of this public law.

See the bill summary for LD 1480 under the bill summaries for the Joint Standing Committee on Judiciary.

**LD 257**

**An Act To Protect Children in Public Schools by Changing Notification Requirements Regarding Sex Offenders**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA	ONTP	

The bill adds language to the Juvenile Code to specifically notwithstanding Title 20-A's existing process for notification teams and provisions regarding confidentiality of juvenile records and requires superintendents of schools who receive information about a juvenile who is adjudicated of gross sexual assault as an adult to notify all school personnel and all parents and guardians of students who attend the school.

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

Notwithstanding student confidentiality provisions, the bill amends Title 20-A to add to superintendents' duties the requirement that superintendents notify all parents and guardians of students enrolled in the same school as a juvenile adjudicated of gross sexual assault. This notification is not limited to juveniles tried as adults.

The bill also requires that a law enforcement agency notify the superintendent of a school district where a registered sex offender is residing, working or attending school. Upon receipt of that information, notwithstanding any confidentiality laws, the superintendent shall provide that information to all teachers and other school personnel.

**LD 264      An Act Regarding Residential Chimney Lining      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARVELL SAVIELLO	ONTP	

LD 264 prohibits state fire, safety and building codes from requiring a chimney in a residential dwelling to be lined unless the burning equipment used to heat the dwelling is a condensing unit that recaptures heat by condensing escaping water vapor.

**LD 276      An Act To Enhance the Collection of Restitution for Victims of Crimes      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOSSEL RECTOR	ONTP	

This bill allows a court to determine the time and method of payment for criminal restitution when the payer is committed to the Department of Corrections. See also LD 1399, An Act to Implement the Recommendations of the Criminal Law Advisory Commission Relative to the Maine Criminal Code and Related Statutes, which amended restitution provisions. LD 1399 was enacted as Public Law 2011, chapter 464.

**LD 282      An Act To Limit Charges for Fingerprinting Performed for Certain Criminal History Background Checks      MAJORITY (ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRESCOTT GERZOFSKY	ONTP MAJ OTP MIN	

This bill specifies that if a prospective adoptive parent or an applicant for a license for a family foster home is required to be fingerprinted a 2nd or subsequent time pursuant to court or department procedures, the state entity requiring the subsequent fingerprinting shall pay the costs of that fingerprinting.