

# 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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STATE OF MAINE  
125<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 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**

**LD 296      Resolve, Directing the State Bureau of Identification To Continue To Explore Contracting Options and Other Methods To Find Efficiencies in the Fingerprinting System for Criminal History Background Checks**

**VETO  
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRESCOTT GERZOFSKY	OTP-AM MAJ OTP-AM MIN	H-528

This bill amends current law to allow the fingerprints of a teacher or an educational personnel applicant pursuant to the Maine Revised Statutes, Title 20-A, section 6103 and an applicant for a license for a family foster home to be taken by the sheriffs and chiefs of police in each of the cities and towns. The bill also requires that the sheriffs and chiefs of police be paid for the expenses they incur in fingerprinting an applicant for a license for a family foster home and be reimbursed from the Criminal History Record Check Fund for the expenses they incur in fingerprinting a teacher or educational personnel applicant.

**Committee Amendment "A" (H-528)**

This amendment replaces the bill with a resolve and is the majority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment directs the Department of Public Safety, State Bureau of Identification to solicit recommendations from the Department of Education and the Department of Health and Human Services regarding ways to improve the fingerprinting process for their clients. The resolve also directs the bureau to continue to research technology and contracting options and potential vendors for providing better accuracy and efficiency in fingerprinting for criminal history background checks. The Joint Standing Committee on Criminal Justice and Public Safety may introduce legislation to implement the bureau's recommendations to the Second Regular Session of the 125th Legislature.

**Committee Amendment "B" (H-529)**

This amendment is the minority report and allows the fingerprints of a teacher or an educational personnel applicant pursuant to the Maine Revised Statutes, Title 20-A, section 6103 to be taken by a sheriff if the sheriff has the technology and equipment to do so. The amendment specifies that the sheriffs be reimbursed from the Criminal History Record Check Fund for the expenses they incur in fingerprinting a teacher or educational personnel applicant.

This amendment was not adopted.

**LD 342      An Act To Amend the Laws Governing County Jail Budgeting for York County**

**LEAVE TO  
WITHDRAW**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS	LV/WD	

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

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

County.

**LD 352 An Act To Amend the Laws Governing Criminal History Record Information**

**PUBLIC 52  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL KATZ	OTP-AM	H-74

This bill adds the Department of Health and Human Services, division of licensing and regulatory services to the list of exceptions regarding limitations on the dissemination of intelligence and investigative information prepared by, prepared at the direction of or kept in the custody of state entities, including local, county and state law enforcement agencies. Intelligence and investigative information is information collected by criminal justice agencies or at the direction of criminal justice agencies in an effort to anticipate, prevent or monitor possible criminal activity, including operation plans of the collecting agency or another agency, or information compiled in the course of investigation of known or suspected crimes, civil violations and prospective and pending civil actions; intelligence and investigative information does not include information that is criminal history record information. (See Title 16 §614, sub-§3 for list of other entities excepted from the prohibition of distribution of intelligence and investigative information.)

The bill allows the Department of Health and Human Services, division of licensing and regulatory services, to access reports and records, including police reports, which may relate to enforcement of the department's licensing laws and rules. This bill has an effective date of July 1, 2011.

**Committee Amendment "A" (H-74)**

This amendment narrows the scope of the bill to allow the division of licensing and regulatory services within the Department of Health and Human Services to have access to intelligence and investigative information for use only in the investigation of suspected abuse, neglect or exploitation in licensed, certified and registered facilities and programs that provide care to children and adults.

**Enacted Law Summary**

Public Law 2011, chapter 52 allows the division of licensing and regulatory services within the Department of Health and Human Services to have access to intelligence and investigative information for use only in the investigation of suspected abuse, neglect or exploitation in licensed, certified and registered facilities and programs that provide care to children and adults.

Public Law 2011, chapter 52 was enacted as an emergency measure effective July 1, 2011.

**LD 377 An Act To Ensure That a Licensee Is Notified of a Driver's License Suspension**

**ONTP**

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to amend the current law to establish a procedure by which the Secretary of State must confirm the receipt by the licensee of a notice of suspension of a driver's license before the suspension goes into effect.