

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH 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 125th 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 125th 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 595

An Act To Allow for Timely Credit for Driver's License Suspensions Imposed by a Court

PUBLIC 81

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

This bill corrects the problem that arises when the driver's license of a defendant that was suspended by the Secretary of State for operating under the influence is restored and then suspended by the court for the same offense. Because the Secretary of State will credit the defendant for the suspension already served and because there is a lag time that may be a week or more between the time the court orders the suspension and the Secretary of State applies the credit, this bill allows an exception to the requirement that the court physically take a license that will be immediately reinstated and allows the court to stay the license suspension for up to 7 days.

Enacted Law Summary

Public Law 2011, chapter 81 corrects the problem that arises when the driver's license of a defendant that was suspended by the Secretary of State for operating under the influence is restored and then suspended by the court for the same offense. Because the Secretary of State will credit the defendant for the suspension already served and because there is a lag time that may be a week or more between the time the court orders the suspension and the Secretary of State applies the credit, Public law 2011, chapter 81 allows an exception to the requirement that the court physically take a license that will be immediately reinstated and allows the court to stay the license suspension for up to 7 days.

LD 624

An Act To Require a Person Who Commits a Sex Offense against a Dependent or Incapacitated Adult To Register under the Sex Offender Registration and Notification Act of 1999

PUBLIC 423

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFISKY	OTP-AM	S-286

This bill specifies that an actor who is employed as a caregiver or otherwise provides care to a person who is a dependent adult or incapacitated adult and who commits gross sexual assault or unlawful sexual contact against the person whose dependency or incapacity is reasonably apparent or known to the actor is guilty of committing a sex offense as defined in the Sex Offender Registration and Notification Act of 1999 requiring a 10-year registration. Registration requirements for persons who commit these new crimes in the Maine Revised Statutes, Title 17-A, section 253, subsection 2, paragraph K or Title 17-A, section 255-A, subsection 1, paragraph W or paragraph X do not apply until October 1, 2011.

Committee Amendment "A" (S-286)

This amendment replaces the bill. The amendment criminalizes sexual conduct between incapacitated adults and caregivers that is not already criminal. Specifically, the amendment creates new versions of gross sexual assault, unlawful sexual contact and unlawful sexual touching. This amendment criminalizes conduct that is committed against a person who has a mental disability that is reasonably apparent or is known to the actor. The amendment codifies this misconduct in situations where the person with the mental disability either is cared for in a facility licensed or funded by the Department of Health and Human Services or is cared for by a person privately employed