

# $\begin{array}{c} \textbf{STATE OF MAINE} \\ 125^{^{\text{TH}}} \text{ Legislature} \\ \text{Second Regular Session} \end{array}$



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

## JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

June 2012

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# STATE OF MAINE

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 $125^{\text{th}}$  Legislature Second Regular Session



### 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 Second 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
	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
	enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT of	r FINAL PASSAGEemergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSA	AGE failed to receive final majority vote
FAILED, MANDATE ENACTMENT	legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR Governor	r 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, MINOR	RITY or REPORT X ought-not-to-pass report accepted; legislation died
<i>P&amp;S XXX</i>	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 Second Regular Session of the 125<sup>th</sup> Legislature is Thursday, August 30, 2012. 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 648 An Act To Prohibit Organized Retail Theft

#### MAJORITY (ONTP) REPORT

Sponsor(s)

PLUMMER

Committee Report ONTP MAJ

OTP MIN

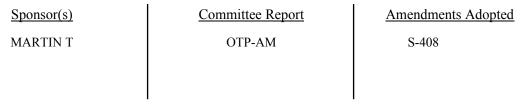
Amendments Adopted

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill creates a new crime, "organized retail theft." Organized retail theft includes all the elements of the current crime of theft as described in the Maine Revised Statutes, Title 17-A §354 but also adds the element of using an "organized retail scheme." For purposes of this new crime, an organized retail scheme is used when the property over which the person obtains or exercises unauthorized control is merchandise offered for sale by a retail store and the person acts in concert with a store employee or other person; leaves the store with the property through an emergency exit; removes or disables an antishoplifting or inventory control device; alters a product code; alters a sales receipt; or intends to sell the property.

#### LD 1088 An Act Regarding the Writing of Bad Checks

PUBLIC 504



This bill was carried over from the First Regular Session of the 125th Legislature.

This bill amends the provision regarding negotiating a worthless instrument by creating a rebuttable presumption of prima facie evidence that a drawer of a dishonored check knew it would be dishonored if the drawer did not pay the amount of the dishonored check and associated fees in full within 24 hours of receiving notice.

#### Committee Amendment "A" (S-408)

This amendment increases the time a drawer of a dishonored check has to pay the amount of the dishonored check to the holder before a rebuttable presumption of prima facie evidence is created that the drawer knew it would be dishonored from 24 hours after receiving notice to 5 days after receiving notice. It also provides the form of the notice that must be sent to the drawer of the dishonored check.

#### **Enacted Law Summary**

Public Law 2011, chapter 504 increases the time a drawer of a dishonored check has to pay the amount of the dishonored check to the holder before a rebuttable presumption of prima facie evidence is created that the drawer knew the check would be dishonored from 24 hours after receiving notice to 5 days after receiving notice. It also provides the form of the notice that must be sent to the drawer of the dishonored check.