

# 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*

**Committee Amendment "A" (H-569)**

This amendment changes the title and replaces the bill. The amendment allows the establishment of a gravel mining program at any Department of Corrections facility with sufficient gravel. The gravel mining program's primary purpose is to generate revenue to support correctional facility farm programs. Gravel not sold by correctional facilities to support farm programs may be sold, distributed or exchanged in the same manner as farm products may be. The amendment also gives the Commissioner of Corrections authority to use some of the revenue to support correctional facility gravel mining programs.

The amendment also amends the industries program provision to permit additional ways to generate revenue from the sale of industries program services and products. Specifically, the amendment authorizes the industries program to make services and goods available for use by county or local governmental entities, private Maine businesses or community agencies.

**Enacted Law Summary**

Public Law 2011, chapter 340 allows the establishment of a gravel mining program at any Department of Corrections facility with sufficient gravel. The gravel mining program's primary purpose is to generate revenue to support correctional facility farm programs. Gravel not sold by correctional facilities to support farm programs may be sold, distributed or exchanged in the same manner as farm products may be. Public Law 2011, chapter 340 also gives the Commissioner of Corrections authority to use some of the revenue to support correctional facility gravel mining programs. Public Law 2011, chapter 340 also amends the industries program provision to permit additional ways to generate revenue from the sale of industries program services and products. Specifically, Public Law 2011, chapter 340 authorizes the industries program to make services and goods available for use by county or local governmental entities, private Maine businesses or community agencies.

**LD 690**

**An Act To Amend the Laws Governing the Transfer of Prisoners to Other States**

**ONTP**

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

This bill modifies the Interstate Corrections Compact with respect to transferring prisoners to and from other states to provide that:

1. Inmates convicted in this State may not be transferred out of the State to another state prison system without their written consent or a court order. An inmate has the right to legal advice before consenting;
2. Inmates may elect to return to this State after one year of being transferred. Inmates requesting return must be returned within 30 days of the request, unless a court rules in favor of keeping the prisoner away from this State. Inmates have the right to legal representation if a continuation of the transfer is being sought through the court; and
3. Inmates who were transferred without their consent prior to the effective date of the bill may elect to return to this State unless a continuation of the transfer is approved by a court in this State.

Although this bill did not pass, another bill regarding transferring of prisoners, LD 1095, An Act to Facilitate the Construction and Operation of Private Prisons by Authorizing the Transport of Prisoners out of State was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.