

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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STATE OF MAINE
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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.

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guardian to do so.

Committee Amendment "A" (H-222)

This amendment replaces the bill and amends the provision of law regarding the refusal, suspension and revocation of a private investigator's license to add new grounds that allow the Commissioner of Public Safety to refuse to issue or renew a license and allow the District Court to suspend or revoke the license of a private investigator. The grounds are that a private investigator contacts or communicates with a child who has not attained 14 years of age regarding a private investigation if that contact or communication by the private investigator includes conduct with the intent to harass, torment, intimidate or threaten a child.

Enacted Law Summary

Public Law 2011, chapter 161 amends the provision of law regarding the refusal, suspension and revocation of a private investigator's license to add new grounds that allow the Commissioner of Public Safety to refuse to issue or renew a license and allow the District Court to suspend or revoke the license of a private investigator. The grounds are that a private investigator contacts or communicates with a child who has not attained 14 years of age regarding a private investigation if that contact or communication by the private investigator includes conduct with the intent to harass, torment, intimidate or threaten a child.

LD 885 An Act To Increase Penalties for Operating a Motor Vehicle under the Influence of Drugs or Alcohol ONTP

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

This bill increases the suspension periods for criminal operating under the influence from 90 to 180 days for a first offense, from 3 years to 5 years for a second offense and from 6 years to 10 years for a third offense. The bill also repeals the provisions that allow issuance of a special or conditional license before the total period of suspension has been served. This prohibition applies to the issuance of restricted licenses for the purpose of allowing participation in education and treatment programs and employment.

LD 912 An Act To Amend the Law Governing Administrative Suspensions of Driver's Licenses MAJORITY (ONTP) REPORT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL THOMAS	ONTP MAJ OTP-AM MIN	

Current law gives the Secretary of State authority to stay a suspension of a driver's license during the statutory suspension period and issue a work-restricted license on receipt of a petition for a work-restricted license for a person under suspension for operating a motor vehicle with an excessive alcohol level or for a person with a juvenile provisional license under suspension for operating a motor vehicle with an alcohol level of more than 0.00 grams per 100 milliliters of blood or 210 liters of breath.

This bill gives the Secretary of State authority to stay a suspension during the statutory suspension period and issue a work-restricted license on receipt of a petition for a work-restricted license for a person under suspension for any offense under the Title 29-A, chapter 23. The bill also provides that the Secretary of State may not issue a

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work-restricted license to a person whose license has been revoked by court order without providing written notice to the court. The bill provides that the Secretary of State, in issuing a work-restricted license to a person under revocation, may impose any conditions and restrictions the Secretary of State determines necessary to ensure the safety of the public.

Committee Amendment "A" (H-161)

This amendment replaces the bill and is the minority report. The amendment grants the Secretary of State discretionary authority to reissue a license to a person 8 years instead of 10 years after the date the person is no longer incarcerated when the person's license is revoked as a result of that person's operation of a motor vehicle having caused the death of another person when the person operating the motor vehicle was under the influence of intoxicants at the time of the offense.

This amendment was not adopted.

LD 914 An Act To Make Certain Synthetic Cannabinoids Illegal

PUBLIC 428

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS	OTP-AM	H-293 S-351 ROSEN R

This bill schedules the synthetic cannabinoids JWH018, JWH073, HU210 and HU211 as schedule Z drugs, the possession of which would be a Class E crime.

As of March 1, 2011 the synthetic cannabinoids in this bill were temporarily placed on the Federal Register as Schedule I drugs by the United States Drug Enforcement Agency. The ban will be in place at least one year, as federal government considers whether to control synthetic cannabinoids permanently.

Committee Amendment "A" (H-293)

This amendment adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-351)

This amendment establishes an effective date of July 1, 2012 and adjusts the appropriations and allocations section accordingly.

Enacted Law Summary

Public Law 2011, chapter 428 schedules the synthetic cannabinoids JWH018, JWH073, HU210 and HU211 as schedule Z drugs, the possession of which is a Class E crime. Public Law 2011, chapter 428 is effective July 1, 2012.

As of March 1, 2011 these synthetic cannabinoids were temporarily placed on the Federal Register as Schedule I drugs by the United States Drug Enforcement Agency. The ban will be in place at least one year, as federal government considers whether to control synthetic cannabinoids permanently.