

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.

Joint Standing Committee on Criminal Justice and Public Safety

LD 1025 An Act To Amend the Laws Governing the Sex Offender Registry

PUBLIC 307

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM	S-180 S-242 DIAMOND

This bill amends the law regarding distribution of sex offender registrant information to the public by directing that the Department of Public Safety, State Bureau of Identification include on its Internet posting of registrant information the offender's designation as a 10-year registrant or a lifetime registrant.

The bill also directs the Commissioner of Public Safety, in consultation with an advisory group, to create a classification system based on risk to be applied to each person required to register under the Sex Offender Registration and Notification Act of 1999 in order to identify sex offenders based on their risk of reoffending and the degree of likelihood that they pose a danger to the community.

The bill also directs the State Bureau of Identification, based on the advisory group's work, to amend the introductory page of its publicly accessible website, the "Maine Sex Offender Registry Online Search Service," to better describe the classification process and its purpose of providing more detailed information about the risk of offenders to the public and law enforcement.

Committee Amendment "A" (S-180)

This amendment strikes those sections of the bill regarding creation of a classification system and requiring the Department of Public Safety, State Bureau of Identification to include a description of the classification system on its publicly accessible website. This amendment retains the provision of the bill that directs the State Bureau of Identification to include on its Internet posting of registrant information the offender's designation as a 10-year registrant or lifetime registrant. The amendment adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-242)

This amendment strikes the appropriations and allocations section.

Enacted Law Summary

Public Law 2011, chapter 307 amends the law regarding distribution of sex offender registrant information to the public by directing that the Department of Public Safety, State Bureau of Identification include on its Internet posting of registrant information the offender's designation as a 10-year registrant or a lifetime registrant.

LD 1027 Resolve, To Coordinate Stakeholders To Review Best Practices in the Management of Strangulation and Determine Methods To Address the Issue in Maine

**RESOLVE 76
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEVENS MASON	OTP-AM	H-378

Joint Standing Committee on Criminal Justice and Public Safety

This bill creates an aggravating sentencing factor for assault, domestic violence assault and aggravated assault. If the offensive physical contact, bodily injury or serious bodily injury in the commission of the crime included strangulation, the court must consider it as an aggravating sentencing factor in setting a sentence. "Strangulation" is defined as the application of pressure to another person's throat or neck or the blocking of the other person's nose or mouth that causes the other person to experience impeded breathing or blood circulation.

Committee Amendment "A" (H-378)

This amendment replaces the bill and creates a resolve directing the Maine Commission on Domestic and Sexual Abuse to invite stakeholders to participate in studying strangulation in order to determine the presence and patterns of strangulation in domestic and sexual violence in Maine and the current management of strangulation within Maine's criminal law. The review must include a study of model practices and research in other states, including the impacts of other states' legislation, public awareness activities and changes in policy. The commission shall invite at a minimum the following stakeholders to participate: representatives from state and local law enforcement, prosecutors, the judicial branch, the Criminal Law Advisory Commission, the Maine Coalition to End Domestic Violence, the Maine Coalition Against Sexual Assault, first responders and other emergency care providers.

The commission shall submit a report by February 15, 2012 to the Joint Standing Committee on Criminal Justice and Public Safety. The report must include the commission's findings and recommendations regarding methods to deal with strangulation in Maine, including, as it determines necessary, proposed legislation; proposed education and training for law enforcement, prosecutors and the judiciary; and proposed programs and outreach for public awareness and advocacy. Upon receipt of the commission's report and recommendations, the committee may report out legislation to the Second Regular Session of the 125th Legislature.

Enacted Law Summary

Resolve 2011, chapter 76 directs the Maine Commission on Domestic and Sexual Abuse to invite stakeholders to participate in studying strangulation in order to determine the presence and patterns of strangulation in domestic and sexual violence in Maine and the current management of strangulation within Maine's criminal law. The review must include a study of model practices and research in other states, including the impacts of other states' legislation, public awareness activities and changes in policy. The commission shall invite at a minimum the following stakeholders to participate: representatives from state and local law enforcement, prosecutors, the judicial branch, the Criminal Law Advisory Commission, the Maine Coalition to End Domestic Violence, the Maine Coalition Against Sexual Assault, first responders and other emergency care providers.

The commission shall submit a report by February 15, 2012 to the Joint Standing Committee on Criminal Justice and Public Safety. The report must include the commission's findings and recommendations regarding methods to deal with strangulation in Maine, including, as it determines necessary, proposed legislation; proposed education and training for law enforcement, prosecutors and the judiciary; and proposed programs and outreach for public awareness and advocacy. Upon receipt of the commission's report and recommendations, the committee may report out legislation to the Second Regular Session of the 125th Legislature.

Resolve 2011, chapter 76 was enacted as an emergency measure effective June 13, 2011.

LD 1040 An Act To Amend the Maine Juvenile Code

PUBLIC 336

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUMMER GERZOFSKY	OTP-AM	H-532