

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**

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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

This bill makes the following changes.

1. It specifies that persons arrested for juvenile crimes, as well as persons under 18 years of age who are arrested for crimes outside of the Maine Juvenile Code, are not eligible for bail.
2. It specifies that detention of juveniles is applicable to all juveniles who commit new juvenile crimes only if specifically authorized by a juvenile community corrections officer.
3. It specifies that a juvenile may not enter an answer on a juvenile petition when the State has filed a request to have the juvenile tried as an adult or has requested that the case be continued for a determination of whether such a request should be filed. The pending bind-over process must first be resolved before an answer is entered.
4. It requires the Juvenile Court to enter a default judgment when a juvenile fails to respond to a summons alleging a juvenile crime that would be a civil violation if committed by an adult.

Committee Amendment "A" (H-532)

This amendment gives the prosecuting attorney for the State the ability to overrule a juvenile community corrections officer regarding detention decisions for motor vehicle and fish or game violations, which is consistent with the process for other juvenile detention situations.

The amendment also allows, but does not require, the Juvenile Court to enter a default judgment when a juvenile fails to respond to a summons alleging a juvenile crime that would be a civil violation if committed by an adult.

Enacted Law Summary

Public Law 2011, chapter 336 specifies that persons arrested for juvenile crimes, as well as persons under 18 years of age who are arrested for crimes outside of the Maine Juvenile Code, are not eligible for bail. It specifies that detention of juveniles is applicable to all juveniles who commit new juvenile crimes only if specifically authorized by a juvenile community corrections officer. Public Law 2011, chapter 336 specifies that a juvenile may not enter an answer on a juvenile petition when the State has filed a request to have the juvenile tried as an adult or has requested that the case be continued for a determination of whether such a request should be filed. The pending bind-over process must first be resolved before an answer is entered.

Public Law 2011, chapter 336 allows, but does not require, the Juvenile Court to enter a default judgment when a juvenile fails to respond to a summons alleging a juvenile crime that would be a civil violation if committed by an adult.

Public Law 2011, chapter 336 also gives the attorney for the State the ability to overrule a juvenile community corrections officer regarding detention decisions for motor vehicle and fish or game violations, which is consistent with the process for other juvenile detention situations.

LD 1074

An Act To Create the Position of Juvenile Community Service Director in the Department of Corrections

ONTP

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

This bill creates the position of Juvenile Community Service Director in the Department of Corrections. The director's duties include coordinating volunteers and community businesses and nonprofit organizations to create

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opportunities for community service programs for juveniles and a comprehensive information network of those opportunities and assisting juvenile community corrections officers, the court, prosecutors and schools to find appropriate community service programs. The cost of maintaining the director position may not be paid with General Fund money but must be supported by probation fees, the amount of which must be determined by the Department of Corrections.

LD 1088 An Act Regarding the Writing of Bad Checks

Carried Over

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN T		

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 does not pay the amount of the dishonored check and associated fees in full within 24 hours of receiving notice.

LD 1088 was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 1090 An Act To Allow a Stay of an Administrative License Suspension for Refusal To Submit to a Test

PUBLIC 143

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY	OTP-AM	S-61

This bill requires a stay of suspension of a driver's license pending an administrative hearing on the suspension by the Secretary of State for a person who is not entitled to a stay due to refusing to submit to a sobriety test, if the hearing is postponed or otherwise continued by someone else or for a cause not attributable to the person seeking the hearing.

Committee Amendment "A" (S-61)

This amendment clarifies that a stay of license suspension does not apply when the delay of hearing is caused or requested by the petitioner.

Enacted Law Summary

Public Law 2011, chapter 143 requires a stay of suspension of a driver's license pending an administrative hearing on the suspension by the Secretary of State for a person who is not entitled to a stay due to refusing to submit to a sobriety test, if the hearing is postponed or otherwise continued by someone else or for a cause not attributable to the person seeking the hearing. Public Law 2011, chapter 143's stay of license suspension does not apply when the delay of hearing is caused or requested by the petitioner.