

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 1095

**An Act To Facilitate the Construction and Operation of Private Prisons
by Authorizing the Transport of Prisoners out of State**

Carried Over

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

The purpose of this bill is to facilitate the construction and operation of private prisons by specifically authorizing the Commissioner of Corrections to transport a prisoner out of the State for any purpose that the commissioner determines necessary and appropriate, including the transfer of a prisoner to a public or private correctional facility.

LD 1095 was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 1098

**An Act To Increase Accountability for the Most Serious Offenders of
Laws Prohibiting Operating under the Influence of Drugs and Alcohol**

PUBLIC 159

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM	S-72

Current law provides for a Class B crime for a person who has a prior criminal homicide conviction involving or resulting from the operation of a motor vehicle while under the influence of intoxicating liquor or drugs who subsequently operates a motor vehicle while under the influence of intoxicating liquor or drugs. In *State v. Stevens*, 2007 ME 5, 912 A.2d 1229, the Supreme Judicial Court ruled that it was not clear whether the 10-year limit on using a prior conviction applied to this current law.

This bill corrects that ambiguity by specifying that the prior criminal homicide conviction applies, regardless of when it occurred, for purposes of an enhanced sentence, a Class B crime, for a subsequent conviction of operating under the influence.

Committee Amendment "A" (S-72)

This amendment makes a correction to current law to reflect the categorization of operating under the influence as either a Class B or Class C crime.

Enacted Law Summary

Public Law 2011, chapter 159 corrects an ambiguity in prior law by specifying that a prior criminal homicide conviction applies, regardless of when it occurred, for purposes of an enhanced sentence for a subsequent conviction of operating under the influence. In *State v. Stevens*, 2007 ME 5, 912 A.2d 1229, the Supreme Judicial Court ruled that it was not clear whether the 10-year limit on using a prior conviction applied to this law. Public Law 2011, chapter 159 makes it clear that the 10-year limit does not apply in these cases.