

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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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 1102

An Act To Ensure That Victims Are Kept Informed in Criminal Cases

ONTP

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

This bill amends the Criminal History Record Information Act to require that the victim of a crime be provided with intelligence and investigative information in as complete and rapid a manner as possible, as long as the disclosure of that information is made with safeguards to prevent events such as interference with law enforcement proceedings, an unwarranted invasion of privacy, disclosure of information designated confidential and endangerment of the life of another individual. Current law provides that criminal justice agencies may provide this information to victims but are not required to do so.

LD 1143 An Act To Require That Law Enforcement Officials Collect DNA Samples from Persons Arrested for Certain Crimes

Carried Over

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

This bill requires a person who has been arrested, charged or indicted on or after January 1, 2012 for murder, a Class A, B or C crime, sexual abuse of a minor, unlawful sexual contact, visual sexual aggression against a child, sexual misconduct with a child under 14 years of age or soliciting a child by a computer to commit a prohibited act to submit to having a DNA sample taken to be added to the state DNA data base.

The bill provides funds to pay for the collection of DNA samples for the state DNA data base by creating the state DNA Data Base Fund surcharge, which requires an additional assessment on all criminal and motor vehicle violation fines equal to 7% of the amount of the fines, to be deposited into the Fund established and administered by the Department of Public Safety.

Committee Amendment "A" (H-576)

This amendment is the majority report of the committee. The amendment requires a person who has been arrested, charged or indicted on or after January 1, 2013 for murder or criminal homicide in the first or 2nd degree; felony murder; manslaughter; aggravated assault; elevated aggravated assault; gross sexual assault, including that formerly denominated as gross sexual misconduct; rape; sexual abuse of a minor; unlawful sexual contact; visual sexual aggression against a child; sexual misconduct with a child under 14 years of age; kidnapping; criminal restraint; burglary; robbery; arson; aggravated criminal mischief; or any lesser included offense of any of these crimes if the greater offense is initially charged to submit to having a DNA sample taken by a law enforcement agency as part of the booking process. "Lesser included offense" has the same meaning as in the Title 17-A, section 13-A.

The amendment specifies that the DNA sample taken pursuant to this requirement may not be analyzed and must be destroyed unless one of the following conditions is met: the arrest was made upon an arrest warrant for murder or a Class A, B or C crime; the defendant has appeared before a judge who made a finding that there was probable cause for the arrest; or the defendant posted bond or was released prior to appearing before a judge or magistrate and then failed to appear for a scheduled hearing.