

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

The amendment also clarifies that the Chief of the State Police shall expunge the DNA record if the arresting law enforcement agency does not forward the charge to the prosecuting attorney, the prosecuting attorney does not file a charge, the case is dismissed or the defendant is acquitted.

The amendment also strikes from the bill new surcharges and the establishment of the State DNA Data Base Fund and adds an appropriations and allocations section.

Committee Amendment "B" (H-577)

This amendment is the minority report of the committee. The amendment is the same as the majority report, except that it does not automatically allow a DNA sample to be taken upon arrest. The amendment specifies that a DNA sample may not be taken immediately upon arrest unless the arrest was made upon an arrest warrant for murder or a Class A, B or C crime or if the defendant has appeared before a judge who made a finding that there was probable cause for the arrest. If one of these 2 requirements is met, the DNA sample may be taken and the rest of the new provisions apply. The amendment also adds an appropriations and allocations section.

This amendment was not adopted.

LD 1143 was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 1163 An Act To Implement the Recommendations of the Commissioner of Corrections' Study Regarding the Placement of Special Management Prisoners ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to implement the recommendations in the Commissioner of Corrections' report regarding the placement of special management prisoners authorized by Resolve 2009, chapter 213.

LD 1165 An Act To Enable Prosecutions for Criminal Invasion of Computer Privacy PUBLIC 133

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION	OTP-AM	H-185

This bill provides that the crimes of criminal invasion of computer privacy and aggravated criminal invasion of computer privacy may be prosecuted and punished in either the county in which the defendant was located when the defendant committed the crime or in any county in which the computer resource that was accessed, damaged or infected with a virus was located, or, in the case of aggravated criminal invasion of computer privacy, in any county in which the computer program, computer software or computer information that the defendant copied was located.

Committee Amendment "A" (H-185)

This amendment strikes from the bill proposed language that is unnecessary. The items listed in the stricken language are included by definition in the Maine Revised Statutes, Title 17-A, section 434, subsection 2.

Joint Standing Committee on Criminal Justice and Public Safety

Enacted Law Summary

Public Law 2011, chapter 133 provides that the crimes of criminal invasion of computer privacy and aggravated criminal invasion of computer privacy may be prosecuted and punished in either the county in which the defendant was located when the defendant committed the crime or in any county in which the computer resource that was accessed, damaged or infected with a virus was located, or, in the case of aggravated criminal invasion of computer privacy, in any county in which the computer program, computer software or computer information that the defendant copied was located.

LD 1168 An Act To Exempt Firearms Manufactured in this State from Federal Regulation

MAJORITY (ONTP) REPORT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA SNOWE-MELLO	ONTP MAJ OTP MIN	

This intent of the bill is to exempt from federal regulation firearms, firearm accessories and ammunition that are made in Maine and remain in Maine.

LD 1176 An Act To Enhance Reciprocity Agreements Regarding Permits To Carry Concealed Firearms

MAJORITY (ONTP) REPORT

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

The purpose of this bill is to enhance reciprocity with other states by removing the requirement that an applicant for a concealed firearms permit demonstrate that the applicant is of "good moral character."

Committee Amendment "A" (H-487)

This amendment is the minority report of the committee. It removes the requirement that an applicant for a concealed firearms permit demonstrate that the applicant is of good moral character and replaces it with the requirement that the applicant show no evidence of behavior contrary to public safety.

This amendment was not adopted.

LD 1178 An Act To Repeal the Laws Governing the Consolidation of Jails

ONTP

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