

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.

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prescribe, the court's determination of competency. It provides that the court, upon receipt of the report of the State Forensic Service examiner, must provide a copy of that report to the parties. It makes explicit that the court may consider the report of the State Forensic Service examiner, together with all other evidence relevant to competency, in its determination whether a juvenile is competent to proceed and that no single criterion addressed in the report of the State Forensic Service examiner is binding on the court's determination.

In two places, it eliminates an ambiguity that might have required a juvenile's release from a juvenile correctional facility before the court held a hearing to determine what referrals are appropriate with respect to a juvenile whose case is subject to dismissal under the Title 34-A, section 3318-B. The amendment also adds an emergency preamble and clause.

Enacted Law Summary

Public Law 2011, chapter 282 repeals provisions regarding suspension of juvenile proceedings for mentally ill or incapacitated juveniles and enacts provisions establishing criteria to determine whether a juvenile is competent to proceed in a juvenile proceeding.
Public Law 2011, chapter 282 was enacted as an emergency measure effective June 9, 2011.

LD 1419

An Act To Improve the Coordination of County Correctional Services

PUBLIC 374

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUMMER SHERMAN	OTP-AM	H-531

This bill makes the following changes to the laws governing the State Board of Corrections.

1. It revises the membership of the State Board of Corrections to include the following:
 - A. Two sheriffs;
 - B. Two county commissioners;
 - C. One county administrator;
 - D. One administrator of a county or regional jail;
 - E. The Commissioner of Corrections or the commissioner's designee;
 - F. One municipal official; and
 - G. One public member.
2. It revises the provisions of law governing the submission of jail budgets to the State Board of Corrections by making those submissions on a biennial basis and by providing sufficient time before the beginning of the biennium for preparation and submission.
3. It creates a full-time position of Executive Director of the State Board of Corrections to replace a limited-period position established by financial order and enumerates the powers and duties of that position, including developing parameters for jail populations and standards for jails, transferring inmates between correctional facilities and

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inspecting the jails.

4. It allows the Commissioner of Corrections and the sheriffs and regional jail administrators the authority to make emergency transfers of inmates to protect against an immediate threat to the safety of inmates or correctional staff without prior authorization from the State Board of Corrections.

5. It changes references to "unified correctional system" to "coordinated correctional system" to more accurately reflect the role of the board.

Committee Amendment "A" (H-531)

This amendment strikes the bill and in its place makes the following changes to the laws governing the State Board of Corrections.

1. It directs the focus of the State Board of Corrections from the unification of State and county correctional services to the coordination of county correctional services.
2. It addresses management of offenders within the coordinated correctional system in order to ensure optimal use of available budgeted jail beds.
3. It revises the provisions of law governing the submission of jail budgets to the State Board of Corrections.
4. It revises the membership of the State Board of Corrections.
5. It allows the State Board of Corrections to enter into contracts in pursuit of stated goals, and it codifies the role of the board's executive director.

Enacted Law Summary

Public Law 2011, chapter 374 makes the following changes to the laws governing the State Board of Corrections.

1. It directs the focus of the State Board of Corrections from the unification of State and county correctional services to the coordination of county correctional services.
2. It addresses management of offenders within the coordinated correctional system in order to ensure optimal use of available budgeted jail beds.
3. It revises the provisions of law governing the submission of jail budgets to the State Board of Corrections.
4. It revises the membership of the State Board of Corrections.
5. It allows the State Board of Corrections to enter into contracts in pursuit of stated goals, and it codifies the role of the board's executive director.

**LD 1421 An Act To Reduce the Cost of Delivery of State and County
Correctional Services**

ONTP

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