

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**STATE OF MAINE**  
125<sup>TH</sup> 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

**MEMBERS:**

SEN. GARRETT PAUL MASON, CHAIR  
SEN. RODNEY L. WHITTEMORE  
SEN. STAN GERZOFKY

REP. GARY E. PLUMMER, CHAIR  
REP. DAVID C. BURNS  
REP. RICKY D. LONG  
REP. SUSAN E. MORISSETTE  
REP. DEBORAH J. SANDERSON  
REP. ANNE M. HASKELL  
REP. STEPHEN P. HANLEY  
REP. MICHAEL A. LAJOIE  
REP. ANNA D. BLODGETT  
REP. MICHAEL H. CLARKE

**STAFF:**

MARION HYLAN BARR, SENIOR ANALYST  
ALYSON MAYO, LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670

STATE OF MAINE  
125<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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 125<sup>th</sup> 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 125<sup>th</sup> 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***

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	

***Joint Standing Committee on Criminal Justice and Public Safety***

This bill requires counties to remit the amount of property tax collected for correctional services to the State Board of Corrections Investment Fund program, which disburses the money back to the counties upon adoption of the counties' correctional services budgets by the State Board of Corrections. This bill also gives the State Board of Corrections contracting authority as appropriate regarding the provision of county correctional services.

**LD 1423      An Act To Amend the Laws Governing Disorderly Conduct      ONTP**

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

This bill amends the law prohibiting disorderly conduct to remove the stipulation that the prohibited conduct recklessly causes annoyance to others.

**LD 1438      An Act To Require Videoconferencing for Civil and Criminal Proceedings for Inmates      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS DC RAYE	ONTP	

This bill requires the courts to use videoconferencing technology to conduct all civil and criminal court proceedings involving a prisoner committed to a county or state correctional facility, except for a proceeding that requires the prisoner's physical presence in the courtroom. This bill also requires the Department of Corrections, State Board of Corrections to adjust a county's budget to pay for expenses incurred by a court in using videoconferencing for prisoner court proceedings from savings of the county in reduced costs for transporting prisoners.

**LD 1439      An Act Regarding Permits To Carry Concealed Firearms      PUBLIC 298**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANLEY	OTP-AM	H-485

This bill makes the following changes to the laws governing permits to carry concealed firearms.

1. It adds a definition of "handgun" to the laws regarding permits to carry concealed firearms.
2. It clarifies that concealed firearm permits allow permittees to carry only handguns, such as pistol-type firearms, on the person, not long guns or machine guns.
3. It lengthens the amount of time issuing authorities have to process applications for concealed handgun permits.
4. It prohibits criminal justice agencies from charging fees to conduct record checks in relation to background checks that are conducted by issuing authorities as part of the process of reviewing a permit application.