

# MAINE STATE LEGISLATURE

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**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

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

This bill creates the new crimes of murder, felony murder, manslaughter, assault, aggravated assault and elevated aggravated assault against an unborn child. The penalties for these new crimes is consistent with penalties for the same offenses committed against persons as defined in Title 17-A, chapter 9.

The bill specifies that crimes against unborn children do not apply to an abortion to which the pregnant woman has consented, nor do they apply to acts committed pursuant to usual and customary standards of medical practice during diagnostic or therapeutic treatment. These crimes do not apply to the pregnant woman, but do not prohibit the prosecution of the crime of elevated aggravated assault on a pregnant person or any other crime.

For purposes of this bill, "unborn child" is defined as an individual of the human species from the state of fetal development when the life of the fetus may be continued indefinitely outside the womb by natural or artificial life-supportive systems until birth.

Current law, Title 17-A §208-C, elevated aggravated assault on pregnant person, is a Class A crime, which specifies that a person is guilty of the crime if that person intentionally or knowingly causes serious bodily injury to a person the person knows or has reason to know is pregnant. For the purposes of this subsection, "serious bodily injury" includes bodily injury that results in the termination of a pregnancy.

**Committee Amendment "A" (S-207)**

This amendment is the majority report of the committee and makes two drafting changes. First, it strikes language "until birth" in the definition of "unborn child," as this language is not relevant to the rest of the definition. Second, it strikes redundant language in the crime of aggravated assault on an unborn child.

This amendment was not adopted.

**LD 1484      An Act Regarding Retired Law Enforcement Officers' Retirement      ONTP**  
**Credentials**

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

The bill permits a law enforcement agency to suspend or revoke any credential of an officer who has retired from that agency if the officer engages in conduct or is convicted of a crime that would have resulted in decertification of the officer if the officer was not retired.

**LD 1489      An Act Regarding Regulation of Emergency Medical Services      PUBLIC 271**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECTOR	OTP-AM	S-223

This bill amends the laws relating to emergency medical services. The bill modifies certain definitions, updates some language and consolidates and expands the confidentiality provisions governing the records of the Emergency Medical Services' (EMS) Board, its committees, subcommittees and staff.

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

Specifically, the bill references the Assistant EMS Medical Director in statue, although it does not request additional funding for the position, and amends language to allow for efficient modification of regional designations based in part on consolidation.

The bill removes references to the Maine Criminal Justice Information System, thus allowing utilization of other sources of background information and removes the current limitation on background checks only at the time of initial licensure. The bill also removes language currently in place that exempts Licensed Ambulance Attendants (LAA) from rules adopted after August 1996. This section was added in 1997 to maintain LAA licenses, but this license is unique to Maine and has no distinction for EMS practice. The change will allow the EMS Board to reassign a license to an existing level consistent with the LAA training and nationally recognized levels.

The bill allows the EMS Board to recover expenses from investigations and adjudicatory hearings. It also makes a substantive change to confidentiality provisions and access to run report data; currently, EMS cannot share the run data reports with other State agencies or others with legitimate medical research needs. The bill will allow sharing of information with the Office of the Chief Medical Examiner, the Center for Disease Control and medical researchers.

### **Committee Amendment "A" (S-223)**

This amendment clarifies the provisions of the bill by providing that the Emergency Medical Services' Board may appoint a licensed physician as statewide assistant emergency medical services medical director but is not required to; the position is intended to be filled only as needed. The amendment also strikes unnecessary references to initial licensure and language that indicates that a criminal history record information check is not required for relicensure of emergency medical services personnel.

### **Enacted Law Summary**

Public law 2011, chapter 271 amends the laws relating to emergency medical services by modifying certain definitions, updating language and consolidating and expanding the confidentiality provisions governing the records of the Emergency Medical Services' (EMS) Board, its committees, subcommittees and staff.

Public law 2011, chapter 271 amends language to allow for efficient modification of regional designations based in part on consolidation. It clarifies that the EMS Board may appoint a licensed physician as statewide assistant emergency medical services medical director but is not required to; the position is intended to be filled only as needed.

Public law 2011, chapter 271 also references to the Maine Criminal Justice Information System, thus allowing utilization of other sources of background information and removes the current limitation on background checks only at the time of initial licensure and also removes language that exempts Licensed Ambulance Attendants (LAA) from rules adopted after August 1996. The change will allow the EMS Board to reassign a license to an existing level consistent with the LAA training and nationally recognized levels.

Public law 2011, chapter 271 allows the EMS Board to recover expenses from investigations and adjudicatory hearings. It also makes a substantive change to confidentiality provisions and access to run report data; currently, EMS cannot share the run data reports with other State agencies or others with legitimate medical research needs. Public law 2011, chapter 271 allows sharing of information with the Office of the Chief Medical Examiner, the Center for Disease Control and medical researchers.