

# 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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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**

**LD 1491**

**An Act To Strengthen the Laws against Driving under the Influence of Drugs**

**PUBLIC 335**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WILLETTE A COLLINS	OTP-AM	H-535

Under current law, the Secretary of State is authorized to immediately suspend a license of a person determined to have operated a motor vehicle with an excessive alcohol level. This bill authorizes the Secretary of State to also administratively suspend driver's license of a person determined to have operated a motor vehicle after ingesting drugs or while under the influence of intoxicants. This bill also changes the designation "drug recognition technicians" to "drug recognition experts."

**Committee Amendment "A" (H-535)**

This amendment replaces the bill and requires the Secretary of State to suspend administratively the driver's license of a person determined to have operated a motor vehicle with a confirmed positive drug test in the same manner and for the same time periods as a person whose license is suspended administratively for operating a motor vehicle with an excessive alcohol level. The amendment also changes the designation "drug recognition technician" to "drug recognition expert."

**Enacted Law Summary**

Public Law 2011, chapter 335 requires the Secretary of State to suspend administratively the driver's license of a person determined to have operated a motor vehicle with a confirmed positive drug test in the same manner and for the same time periods as a person whose license is suspended administratively for operating a motor vehicle with an excessive alcohol level. Public Law 2011, chapter 335 also changes the designation "drug recognition technician" to "drug recognition expert."

**LD 1500 An Act To Establish Positive Reentry Parole**

**MAJORITY  
(ONTP) REPORT**

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

This bill establishes the option of parole for persons sentenced on or after May 1, 1976. Current law provides that only persons in the custody of the Department of Corrections pursuant to a sentence imposed under the law in effect before May 1, 1976 may apply for parole. This bill incorporates the concepts of positive reentry parole, is modeled in part on recent law enacted by Colorado and uses some of the technical aspects of Maine's existing parole law.

**Committee Amendment "A" (H-512)**

This amendment is the minority report of the Joint Standing Committee on Criminal Justice and Public Safety and incorporates a fiscal note.

This amendment was not adopted.