

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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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

LD 1542 An Act To Require All Correctional Facilities in the State To Participate ONTP
in the Unified Inmate Transportation System

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

This bill requires the Department of Corrections and all county jails to use the unified inmate transportation system operated by the State Board of Corrections to transport inmates from one facility to another. The resolve also authorizes the Commissioner of Corrections to adopt rules to establish exceptions for situations in which it would be impractical or inefficient for the Department of Corrections or a county jail to use the system.

LD 1556 An Act To Amend the Laws Governing the Replacement of Firearms ONTP
Carried by Maine State Police

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

This bill directs that proceeds from the sale of firearms to current or former State Police personnel be deposited into a dedicated account within the Department of Public Safety, Bureau of State Police for the purchase of replacement firearms. It also provides a one-time General Fund appropriation of \$118,983 and Highway Fund allocation of \$114,317 in fiscal year 2011-12 to the Department of Public Safety for the purchase of firearms.

LD 1562 An Act To Prohibit the Sale or Possession of So-called Bath Salts PUBLIC 447
Containing Dangerous Synthetic Drugs EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY	OTP-AM	H-586 H-676 WEBSTER

This bill adds to the list of Schedule W drugs certain dangerous synthetic hallucinogenic chemicals that are sometimes marketed as "bath salts."

Committee Amendment "A" (H-586)

This amendment replaces the bill. The amendment adds an emergency preamble and clause and, instead of listing so-called bath salts as Schedule W drugs under the Maine Criminal Code, chapter 45, prohibits the possession and use of the drugs using the same penalties as those imposed for Schedule W drugs. The amendment also repeals the changes effective June 15, 2013, at which time the Legislature may reevaluate the statute and evaluate any action of the Federal Government regarding these drugs.

Senate Amendment "A" To Committee Amendment "A" (S-362)

This amendment reallocates the restriction on the use, trafficking or possession of so-called bath salts proposed in

Joint Standing Committee on Criminal Justice and Public Safety

Committee Amendment "A" from the Maine Criminal Code to the Maine Revised Statutes, Title 22 and changes the penalties.

This amendment was not adopted.

House Amendment "A" To Committee Amendment "A" (H-676)

This amendment reallocates the restriction on the use, trafficking or possession of so-called bath salts proposed in Committee Amendment "A" from the Maine Criminal Code to the Maine Revised Statutes, Title 22 and changes some of the penalties to civil violations and reduces other criminal penalties.

Enacted Law Summary

Public Law 2011, chapter 447 prohibits the possession, trafficking and furnishing of certain synthetic hallucinogenic drugs or so-called bath salts. The prohibited conduct is established in Title 22 and includes civil penalties for possession and criminal penalties for repeat possession offenses, as well as trafficking and furnishing. These changes are repealed June 15, 2013.
Public Law 2011, chapter 447 was enacted as an emergency measure effective July 6, 2011.

LD 1563 An Act To Regulate the Licensing and Oversight of Professional Investigators

PUBLIC 366

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS DC KATZ	OTP-AM	H-585

This bill amends the private investigator laws by changing the terms "private investigator" to "professional investigator" and "private investigating" to "private investigation." It also changes the jurisdiction over professional investigators from the Commissioner of Public Safety to the Chief of the State Police. The bill also exempts persons who undertake Internet research solely for retrieval of data from online sources or databases and who do not question individuals in person, by phone or electronic means from having to be licensed as a professional investigator.

The bill requires a licensee to renew a license even if the license has been suspended. It gives the Chief of the State Police the authority to refuse to issue, suspend or revoke a license, to impose probationary conditions or a fine or to issue a written warning if the licensee has unpermitted contact or communication with a child, makes a material misstatement in filing an application for a license, violates the standards of acceptable professional conduct or commits an act that would have been cause for refusal to issue a license.

The bill requires the Chief of the State Police to investigate a complaint for noncompliance or violation of the professional investigator laws or rules. It requires the Chief of the State Police to notify the licensee, if a complaint has been filed against a licensee, of the content of the complaint not less than 60 days after receipt of the written complaint. It requires the Chief of the State Police to adopt rules regarding the receipt and investigation of complaints. The bill also requires the Chief of the State Police to adopt rules regarding the standards of acceptable professional conduct.

Committee Amendment "A" (H-585)

This amendment specifies that the rule-making authority in the Professional Investigators Act is delegated to the Chief of the State Police, with the advice of the Board of Licensure of Professional Investigators.

The amendment clarifies that the Chief of the State Police does not require authorization of the board to act, but