

# MAINE STATE LEGISLATURE

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



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE  
AND PUBLIC SAFETY**

June 2012

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**STAFF:**

CURTIS BENTLEY, LEGISLATIVE 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  
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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 Second 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.

<i>CARRIED OVER</i> .....	<i>carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i> .....	<i>chapter # of constitutional resolution passed by both houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; legislation died</i>
<i>DIED BETWEEN HOUSES</i> .....	<i>House &amp; Senate disagreed; legislation died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>defeated in each house, but on different motions; legislation died</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>action incomplete when session ended; legislation died</i>
<i>EMERGENCY</i> .....	<i>enacted law takes effect sooner than 90 days after session adjournment</i>
<i>FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE</i> .....	<i>emergency failed to receive required 2/3 vote</i>
<i>FAILED, ENACTMENT or FINAL PASSAGE</i> .....	<i>failed to receive final majority vote</i>
<i>FAILED, MANDATE ENACTMENT</i> .....	<i>legislation proposing local mandate failed required 2/3 vote</i>
<i>HELD BY GOVERNOR</i> .....	<i>Governor has not signed; final disposition to be determined at subsequent session</i>
<i>LEAVE TO WITHDRAW</i> .....	<i>sponsor's request to withdraw legislation granted</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>ruled out of order by the presiding officer; legislation died</i>
<i>INDEF PP</i> .....	<i>indefinitely postponed; legislation died</i>
<i>ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X</i> ...	<i>ought-not-to-pass report accepted; legislation died</i>
<i>P&amp;S XXX</i> .....	<i>chapter # of enacted private &amp; special law</i>
<i>PUBLIC XXX</i> .....	<i>chapter # of enacted public Law</i>
<i>RESOLVE XXX</i> .....	<i>chapter # of finally passed resolve</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session of the 125<sup>th</sup> Legislature is Thursday, August 30, 2012. 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*

- 9. It makes it a crime for a person to fail to comply with the provisions of SORNA 2013.
- 10. It requires the Department of Public Safety to provide law enforcement agencies with technical assistance regarding community education about the conditional release or discharge of a registrant.
- 11. It creates the Sex Offender Risk Assessment Commission to study the methods that may be used to predict the risk of recidivism by a sex offender and develop a method that may be used for such purposes.
- 12. It directs the Sex Offender Risk Assessment Advisory Commission to study the structure and duties of Colorado's Sex Offender Management Board and report its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 5, 2013. It authorizes the committee to introduce a bill implementing the commission's recommendations to the First Regular Session of 126th Legislature.

**LD 1597**

**An Act To Make Certain Juvenile Case Records Confidential**

**PUBLIC 580**

Sponsor(s)

HASKELL

Committee Report

OTP-AM

Amendments Adopted

H-779

This bill specifies that, when the Secretary of State receives notice from a juvenile community corrections officer that a juvenile has violated the law prohibiting illegal transportation of drugs by a minor or the law prohibiting illegal transportation of liquor by a minor, the Secretary of State's suspension of that juvenile's license or permit to operate a motor vehicle, right to operate a motor vehicle and right to apply for and obtain a license may not be made public or become part of a juvenile's driving record or motor vehicle record.

The bill also specifies that, when a juvenile has been adjudicated as having committed a juvenile crime involving the operation of a motor vehicle, and the court transmits records containing the details of the adjudication to the Secretary of State, the Secretary of State may use those records only for purposes of hearings held by the Secretary of State and the records may not otherwise be made public or become part of a juvenile's driving record or motor vehicle record.

**Committee Amendment "A" (H-779)**

This amendment replaces the title and removes the provisions of the bill that prohibit the Secretary of State from releasing information to the public about a juvenile's violation of a law prohibiting the transport of illegal drugs or liquor when suspending that juvenile's motor vehicle license or permit. Instead, the amendment provides that such information may be released only to a law enforcement officer and the courts after the suspension has been terminated and only for the purpose of prosecuting a violation of the prohibition against operating a motor vehicle while the license or permit is suspended or revoked.

This amendment also removes provisions of the bill limiting the use of a juvenile's records to hearings conducted by the Secretary of State.

**Enacted Law Summary**

Public Law 2011, chapter 580 provides that when the Secretary of State receives notice from a juvenile community corrections officer that a juvenile has violated the law prohibiting illegal transportation of drugs by a minor or the law prohibiting illegal transportation of liquor by a minor, that information may be released only to a law enforcement officer and the courts after the suspension of that juvenile's license or permit to operate a motor vehicle

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has been terminated and only for the purpose of prosecuting a violation of the prohibition against operating a motor vehicle while the license or permit is suspended or revoked.

**LD 1598      An Act To Clarify the Court's Authority To Grant Credit Given for Jail      PUBLIC 568**  
**Time toward Payment of Fines**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL	OTP-AM	H-760

Current law allows a judge to incarcerate a person who fails to pay a fine and provides a credit in an amount specified by the judge towards the payment of the unpaid fine; the length of confinement may not exceed one day for every \$100 of unpaid fines. If a person who owes a fine for a Class D or E crime is detained, however, that person must be given credit at a rate specified by the court, up to a maximum of \$100 per day the person is detained. This bill removes that difference by specifying that a person incarcerated for failing to pay a fine must be given credit towards the payment of that fine in an amount up to \$100 per day for each day the person is incarcerated, the same as for a person incarcerated for failing to pay a fine imposed for a Class D or E crime.

**Committee Amendment "A" (H-760)**

This amendment replaces the bill and sets a minimum amount of credit a court may grant toward payment of a fine at \$25 for each day of confinement.

**Enacted Law Summary**

Public Law 2011, chapter 568 provides that a person incarcerated for failing to pay a fine must be given credit towards the payment of that fine of no less than \$25 per day for each day the person is incarcerated. The statutory provision that sets the maximum credit of \$100 per day is still in effect.

**LD 1599      An Act To Amend Deferred Disposition under the Maine Juvenile Code      PUBLIC 480**

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

This bill was submitted by the Criminal Law Advisory Commission pursuant to Title 17-A, chapter 55. It amends the juvenile deferred disposition provisions to make it clear that the deferment requirements may include conditional release supervised by a juvenile community corrections officer. The bill changes the term "civil offense" to "civil violation" in the Maine Revised Statutes, Title 15, section 3311-A and section 3311-B, subsection 1 and corrects clerical errors in section 3311-B, subsection 1.

**Enacted Law Summary**

Public Law 2011, chapter 480 amends the juvenile deferred disposition provisions to make it clear that the deferment requirements may include conditional release supervised by a juvenile community corrections officer. It changes the term "civil offense" to "civil violation" in the Maine Revised Statutes, Title 15, section 3311-A and section 3311-B, subsection 1 and corrects clerical errors in section 3311-B, subsection 1.