

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH 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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STATE OF MAINE

125TH 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 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.

<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 & 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&S XXX</i>	<i>chapter # of enacted private & 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 125th 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.

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This resolve requires the establishment by the Judicial Department and the Department of Corrections of a one-year pilot program in Penobscot County for the identification, assessment, treatment and monitoring of individuals arrested for unlawful possession of drugs for the purpose of improving outcomes for individuals arrested for unlawful possession of drugs, reducing recidivism and reducing costs for the judicial and correctional systems.

Although this bill was voted ONTP, the committee sent a letter to interested parties to encourage them to develop a plan to help address the drug issue in Penobscot County and to update the committee on any progress by the end of January, 2013.

LD 1704 An Act To Amend the Maine Bail Code To Protect Victims of Domestic Violence ONTP

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

This bill amends the Maine Bail Code to prohibit bail commissioners from setting bail in domestic violence cases. It provides that only judges may set bail in domestic violence cases and requires the judge to review and consider the defendant's criminal history before setting bail. The bill also provides that electronic monitoring may be a condition of bail for the defendant charged with a crime involving domestic violence and that the defendant may be ordered to pay the cost of that monitoring.

LD 1707 An Act To Define, Prevent and Suppress Gang Activity in the State ONTP

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

This bill provides definitions of "criminal street gang" and "criminal street gang member" and creates the crime of criminal street gang solicitation. This bill requires the court to impose an enhanced sentence for certain crimes, such as murder, gross sexual assault, robbery, kidnapping, certain theft offenses and trafficking or furnishing of scheduled or synthetic hallucinogenic drugs, when those crimes are committed by a criminal street gang member.

LD 1711 An Act To Adopt the Use of Standardized Risk Assessment in the Management of Domestic Violence Crimes PUBLIC 680

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIN COURTNEY	OTP-AM	H-890 S-600 ROSEN R

This bill requires the use of a validated, evidence-based domestic violence risk assessment by law enforcement officers in cases involving suspected or alleged domestic violence or abuse. The law enforcement officer is required to transmit the results of the assessment to the bail commissioner, if appropriate, and the district attorney for the

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county in which the suspected or alleged domestic violence or abuse took place. This bill also requires the administration of a validated, evidence-based domestic violence risk assessment to county and state correctional facility inmates to identify those who are at risk for committing domestic violence. The validated, evidence-based domestic violence risk assessment must be as recommended by the Maine Commission on Domestic and Sexual Abuse; the use is not mandatory until January 1, 2014.

Committee Amendment "A" (H-890)

This amendment replaces the title and does the following.

1. It changes from January 1, 2014, to January 1, 2015, the date for implementation by law enforcement officers of the validated, evidence-based domestic violence risk assessment in cases of domestic violence.
2. It requires the Department of Public Safety to approve a domestic violence risk assessment recommended by the Maine Commission on Domestic and Sexual Abuse before it can be used.
3. It removes the provision in the bill that requires the domestic violence risk assessment to be administered to county and state correctional facility inmates.
4. It requires a probation and parole or intensive supervision program officer to make a good faith effort to supplement any other assessment tool for domestic violence offenders with the domestic violence risk assessment and to implement protocols to override risk assessment scores based on the presence of higher risk factors.
5. It provides state, municipal and county officials and employees with immunity from civil liability for implementing or failing to implement the risk assessment.

Senate Amendment "A" (S-600)

This amendment adds a mandate preamble to the bill.

Enacted Law Summary

Public Law 2011, chapter 680 provides that in cases involving suspected or alleged domestic violence or abuse, law enforcement officers use a validated, evidence-based domestic violence risk assessment recommended by the Maine Commission on Domestic and Sexual Abuse and approved by the Department of Public Safety.

It requires the law enforcement officer to transmit the results of the assessment to the bail commissioner, if appropriate, and the district attorney for the county in which the suspected or alleged domestic violence or abuse took place.

Public Law 2011, chapter 680 requires a probation and parole or intensive supervision program officer to make a good faith effort to supplement any other assessment tool for domestic violence offenders with the domestic violence risk assessment and to implement protocols to override risk assessment scores based on the presence of higher risk factors.

It also provides state, municipal and county officials and employees with immunity from civil liability for implementing or failing to implement the risk assessment.