

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

MEMBERS:

SEN. GARRETT PAUL MASON, CHAIR
SEN. RODNEY L. WHITTEMORE
SEN. STAN GERZOFKY

REP. GARY E. PLUMMER, CHAIR
REP. DAVID C. BURNS
REP. RICKY D. LONG
REP. SUSAN E. MORISSETTE
REP. DEBORAH J. SANDERSON
REP. ANNE M. HASKELL
REP. STEPHEN P. HANLEY
REP. MICHAEL A. LAJOIE
REP. ANNA D. BLODGETT
REP. MICHAEL H. CLARKE

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

125TH LEGISLATURE
SECOND REGULAR SESSION



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.

Joint Standing Committee on Criminal Justice and Public Safety

private or public postsecondary institution incorporated or chartered under the laws of this State. It also requires a carbon monoxide detector in any conversion of an existing building to a fraternity or sorority house or dormitory.

LD 1745 An Act Regarding the Fee for Amusement Ride Inspections and the Development of Options To Move the Responsibility of the Inspections from the Office of the State Fire Marshal VETO SUSTAINED

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL	OTP-AM MAJ OTP-AM MIN	H-874

This bill allows qualified private sector organizations or individuals to inspect amusement rides to ensure they are safe for the public. Under this bill, the Office of the State Fire Marshal has oversight over the certification of qualified amusement ride inspectors. The bill also repeals laws governing licensure of circuses in the Maine Revised Statutes, Title 8.

Committee Amendment "A" (H-874)

This amendment replaces the bill and is the majority report of the committee. The amendment changes the fee for a license for an amusement show, carnival, thrill show, ice show, rodeo or similar type of performance that has amusement devices from \$300 to \$50. It also changes the cost of an amusement device inspection to a \$75 per hour per inspector inspection fee for each device with a minimum \$75 charge. The amendment also directs the Department of Public Safety, Office of the State Fire Marshal to develop alternative options to move the oversight or responsibility of amusement ride inspections from that office to private inspectors, the Department of Professional and Financial Regulation and any other plausible inspection alternatives. The amendment requires the Office of the State Fire Marshal to include the cost to the State and the regulated industry of a change in the oversight and to report and make recommendations to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 15, 2013, along with draft legislation. It gives the committee authority to report out legislation to the First Regular Session of the 126th Legislature regarding an alternative to the amusement ride inspection program.

Committee Amendment "B" (H-875)

This amendment replaces the bill with a resolve and is the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. It requires the Department of Public Safety, Office of the State Fire Marshal to develop a detailed plan to privatize the inspection of amusement rides in Maine and to report back to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 15, 2013, along with any draft legislation. It authorizes the committee to submit legislation to the First Regular Session of the 126th Legislature to privatize amusement ride inspections and to alter the fee structure used by the Office of the State Fire Marshal for amusement ride inspections. This amendment was not enacted.

LD 1754 An Act To Amend Certain Provisions of Law Governing the Department of Corrections PUBLIC 515

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

Joint Standing Committee on Criminal Justice and Public Safety

This bill makes the following changes to the laws governing the Department of Corrections.

1. It eliminates a reference to the Division of Probation and Parole, which was eliminated as a separate division of the Department of Corrections by Public Law 1995, chapter 502, Part F.
2. It expands the current provision allowing the release by the Department of Corrections to the Department of Health and Human Services of certain information about juveniles to ensure eligibility and proper billing under federally funded programs and for audit purposes. This bill provides that these same categories of information regarding juveniles and adults are releasable to other state and federal agencies, including, but not limited to, the Department of Labor, the United States Social Security Administration and federal and state revenue services, for the same and similar purposes.
3. It allows the donation of prison industries program goods and services to governmental entities and to nonprofits.

Enacted Law Summary

Public Law 2011, chapter 515 makes the following changes to the laws governing the Department of Corrections.

1. It eliminates a reference to the Division of Probation and Parole, which was eliminated as a separate division of the Department of Corrections by Public Law 1995, chapter 502, Part F.
2. It expands the current provision allowing the release by the Department of Corrections to the Department of Health and Human Services of certain information about juveniles to ensure eligibility and proper billing under federally funded programs and for audit purposes. This bill provides that these same categories of information regarding juveniles and adults are releasable to other state and federal agencies, including, but not limited to, the Department of Labor, the United States Social Security Administration and federal and state revenue services, for the same and similar purposes.
3. It allows the donation of prison industries program goods and services to governmental entities and to nonprofits.

LD 1755 An Act Regarding the Interstate Compact for Adult Offender Supervision

PUBLIC 677

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASON	OTP-AM	S-513

This bill permits the Department of Corrections to require the payment of a fee by adult probationers who apply for a transfer of supervision under the Interstate Compact for Adult Offender Supervision to another state. It includes appropriate safeguards to ensure that lack of ability to pay the fee does not result in an adverse action.

The bill also requires that application fees paid by persons applying to transfer to other states and supervision fees paid by persons transferring to Maine must be deposited into the department's nonlapsing adult community corrections account to offset associated costs.

The bill also requires that a person transferring to Maine for supervision in the community submit to the taking of a DNA sample if the offense for which the person is being supervised is one that includes the essential elements of a Maine crime requiring submission to the taking of a DNA sample.

Committee Amendment "A" (S-513)