

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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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
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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.

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)

Joint Standing Committee on Criminal Justice and Public Safety

This amendment changes the fee imposed on a person applying for transfer of supervision to another state under the Interstate Compact for Adult Offender Supervision from between \$100 and \$250 to a flat fee of \$100. Instead of requiring a person accepted for supervision under the compact to submit to having a DNA sample taken if the offense has the essential elements of an offense in the Maine Revised Statutes, Title 25, section 1574, subsection 5, it limits the applicable offenses to those of a crime punishable by imprisonment for one year or more.

Enacted Law Summary

Public Law 2011, chapter 677 permits the Department of Corrections to require the payment of a fee of \$100 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.

It 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.

Public Law 2011, chapter 677 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 a crime punishable by imprisonment for one year or more.

LD 1756 An Act To Establish a Separate State Council for Juveniles under the Interstate Compact for Juveniles

PUBLIC 676

Sponsor(s)

MASON

Committee Report

OTP-AM

Amendments Adopted

S-446

This bill amends the combined interstate compacts for the supervision of juveniles and adult offenders, as adopted by the State, to establish a separate state council for juveniles as required by the Interstate Compact for Juveniles. These compacts apply to the supervision of juveniles and adult offenders who are on probation, as well as others, and who wish to move from the state in which they were sentenced to another state. Under current law, there is a single state council for adult offender and juvenile supervision. The State Council for Juvenile Supervision includes membership appointed to the Juvenile Justice Advisory Group in order to ensure coordination and communication of policies and protocols affecting juvenile justice practices.

Committee Amendment "A" (S-446)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2011, chapter 676 amends the combined interstate compacts for the supervision of juveniles and adult offenders, as adopted by the State, to establish a separate state council for juveniles as required by the Interstate Compact for Juveniles. These compacts apply to the supervision of juveniles and adult offenders who are on probation, as well as others, and who wish to move from the state in which they were sentenced to another state. Under current law, there is a single state council for adult offender and juvenile supervision. The State Council for Juvenile Supervision includes membership appointed to the Juvenile Justice Advisory Group in order to ensure coordination and communication of policies and protocols affecting juvenile justice practices.