

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.

Joint Standing Committee on Criminal Justice and Public Safety

LD 1760

An Act To Ensure Notification to Victims of Domestic Violence, Sexual Assault and Stalking When Defendants Are Released on Bail

PUBLIC 639

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CASAVANT	OTP-AM MAJ ONTP MIN	H-884

This bill ensures that a victim of domestic violence, sexual assault or stalking receives prompt notification directly from the jail when a person who is alleged to have committed the offense is released on bail from the jail. The same confidentiality provisions governing the protection of victim information under the Maine Revised Statutes, Title 17-A, chapter 48 apply to the new notification provision.

Committee Amendment "A" (H-884)

This amendment replaces the bill and provides that in a case of domestic violence, sexual assault or stalking the arresting law enforcement officer must obtain the victim's contact information and provide it to the jail where the defendant is delivered. It requires the jail to notify the victim when the defendant is released on preconviction bail or, if the victim cannot be reached, to notify the arresting law enforcement agency, which must make a reasonable effort to contact the victim. If the defendant is released on bail before being delivered to a jail, the arresting law enforcement agency must notify the victim.

This amendment also requires that notification of a defendant's release on preconviction bail be made directly to an adult victim and to a parent or legal guardian or other immediate family member in the case of a minor victim unless the jail or law enforcement agency reasonably believes that it is in the best interest of the minor victim to be notified directly.

Finally, it provides the State, the arresting law enforcement agency, the jail where the defendant was delivered and the Department of Corrections immunity from liability in a civil action for compliance or noncompliance with the new provisions.

Enacted Law Summary

Public Law 2011, chapter 639 provides that in a case of domestic violence, sexual assault or stalking the arresting law enforcement officer must obtain the victim's contact information and provide it to the jail where the defendant is delivered. It requires the jail to notify the victim when the defendant is released on preconviction bail or, if the victim cannot be reached, to notify the arresting law enforcement agency, which must make a reasonable effort to contact the victim. If the defendant is released on bail before being delivered to a jail, the arresting law enforcement agency must notify the victim.

Public Law 2011, chapter 639 requires that notification of a defendant's release on preconviction bail be made directly to an adult victim and to a parent or legal guardian or other immediate family member in the case of a minor victim unless the jail or law enforcement agency reasonably believes that it is in the best interest of the minor victim to be notified directly.

Public Law 2011, chapter 639 also provides the State, the arresting law enforcement agency, the jail where the defendant was delivered and the Department of Corrections immunity from liability in a civil action for compliance or noncompliance with the new provisions.