

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
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

LD 1825 An Act To Change the Statutes of Limitations on Prosecution for Crimes of Sexual Abuse and for Civil Actions for Sexual Abuse When the Actor Is a Person in a Position of Authority

**MAJORITY
(ONTP) REPORT**

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

This bill provides that a civil action based upon a sexual act that is committed or engaged in by an actor who has certain authority over the other person may be commenced at any time. It also extends to 10 years the statute of limitations on prosecutions for crimes involving unlawful sexual touching, unlawful sexual contact, sexual abuse of a minor, rape or gross sexual assault if the actor has certain authority over the victim.

LD 1827 An Act To Amend the Laws Governing Prosecution of Individuals Possessing a Controlled Substance under Certain Circumstances

ONTP

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

This bill provides an exception to the crime of unlawful possession of a scheduled drug for a person charged with that crime if the evidence for the charge is gained as a result of the person's seeking medical assistance for a drug-related overdose. This bill is a recommendation from the Substance Abuse Services Commission's work group convened pursuant to Resolve 2011, chapter 81 and is submitted by the Joint Standing Committee on Health and Human Services pursuant to Joint Order H. P. 1328.

LD 1837 An Act To Authorize the Establishment of Pilot Projects for Community Paramedicine

PUBLIC 562

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WILLETTE M RECTOR	OTP-AM	H-801

This bill authorizes the Department of Public Safety, Emergency Medical Services' Board, in accordance with current rules of the board, to establish the requirements and application and approval process for community paramedicine pilot projects for the purpose of developing and evaluating the appropriateness of a community paramedicine program. The bill establishes minimum levels of medical oversight and requires reporting by the pilot project to the board. The board is required to report annually regarding the pilot projects to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters.

Committee Amendment "A" (H-801)

This amendment provides that the Department of Public Safety, Emergency Medical Services' Board may develop and evaluate a community paramedicine pilot program using the same process previously established by the board in rule for the use of pilot projects to evaluate incorporating an emergency medical treatment technique or a type of

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equipment into any licensure level. It specifies that the board may establish up to 12 pilot projects. It also adds the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters as a recipient of the annual report issued by the board.

Enacted Law Summary

Public Law 2011, chapter 562 authorizes the Department of Public Safety, Emergency Medical Services' Board to develop and evaluate a community paramedicine pilot program using the same process previously established by the board in rule for the use of pilot projects to evaluate incorporating an emergency medical treatment technique or a type of equipment into any licensure level. It requires the board to establish the requirements and application and approval process of the pilot projects. It specifies that the board may establish up to 12 pilot projects.

Public Law 2012, chapter 562 establishes minimum levels of medical oversight and requires reporting by the pilot project to the board. The board is required to report annually regarding the pilot projects to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters and the joint standing committee having jurisdiction over labor, commerce, research and economic development matters.

LD 1841 An Act To Ensure Funding for the Victims' Compensation Fund

PUBLIC 628

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE KATZ	OTP-AM MAJ ONTP MIN	H-834

This bill prohibits a court from waiving the assessment of \$25 on a person convicted of murder or a Class A, Class B or Class C crime and \$10 on a person convicted of a Class D or Class E crime. The assessment is currently used to fund the Victims' Compensation Fund.

Committee Amendment "A" (H-834)

This amendment adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2011, chapter 628 prohibits a court from waiving the assessment of \$25 on a person convicted of murder or a Class A, Class B or Class C crime and \$10 on a person convicted of a Class D or Class E crime.

LD 1852 An Act To Provide a More Comprehensive Ban on the Possession of Synthetic Hallucinogenic Drugs

PUBLIC 578

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAVERS	OTP-AM	H-833

This bill expands the category of illegal synthetic hallucinogenic drugs by permitting the Commissioner of Public Safety to identify by rule drugs similar in effect to those currently specified in statute in recognition of the fact that the development of synthetic hallucinogenic drugs is expanding rapidly and flexibility is needed to identify dangerous drugs in an expeditious manner.

Committee Amendment "A" (H-833)