

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

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)

Joint Standing Committee on Criminal Justice and Public Safety

This amendment identifies five additional illegal synthetic hallucinogenic drugs and provides that any derivative of cathinone that is not a scheduled drug or a drug approved by the United States Food and Drug Administration is an illegal synthetic hallucinogenic drug. It also removes the provisions in the bill that would allow the Commissioner of Public Safety to identify illegal synthetic hallucinogenic drugs by rule.

Enacted Law Summary

Public Law 2011, chapter 578 identifies five additional illegal synthetic hallucinogenic drugs and provides that any derivative of cathinone that is not a scheduled drug or a drug approved by the United States Food and Drug Administration is an illegal synthetic hallucinogenic drug.

**LD 1856 An Act To Implement Certain Recommendations of the Criminal Law
Advisory Commission**

PUBLIC 604

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-872

This bill is proposed by the Criminal Law Advisory Commission pursuant to the Maine Revised Statutes, Title 17-A, chapter 55 and makes the following changes.

1. It creates a new Class D crime of improper contact after bail has been revoked and denied. A person commits this crime if the person, while being detained because the person's preconviction or post-conviction bail has been revoked and denied, intentionally or knowingly makes contact with a person when that contact was prohibited under a former condition of release.
2. It authorizes a court to allow a natural person who has an outstanding mandatory or nonmandatory fine imposed for a Class D or Class E crime to satisfy the fine by performing a specific number of hours of community service work if the person has not in fact inexcusably defaulted in payment of any portion and, having provided notice of the motion seeking satisfaction of the person's outstanding fine amount by performing community service to the attorney for the State, at a hearing the person demonstrates by a preponderance of the evidence both a present and future inability to pay the outstanding fine amount and the capacity and willingness to perform community service work to satisfy the fine owed. The court may not order a hearing unless the court determines the person has qualified to be considered. If the court grants the motion, the number of hours it may specify must reflect a credit against the unpaid fine of no less than \$25 for every 8 hours of community service work.
3. It provides that all references to "county jail" or "jail" in the Maine Revised Statutes include the Lincoln and Sagadahoc Multicounty Jail.
4. It corrects an omission with respect to a sexual crime. Public Law 2011, chapter 464, sections 8 and 9 repealed the Maine Revised Statutes, Title 17-A, section 254, subsection 1, paragraph F and moved the substance of the crime to Title 17-A, section 255-A, subsection 1, paragraph F-2. The elements of the crime did not change; it was simply moved from the crime of sexual abuse of a minor to unlawful sexual contact because the core conduct that is criminalized is sexual contact, not the sexual acts prohibited by sexual abuse of a minor. The crime of sexual abuse of a minor is included in the definition of "sex offense" in Title 34-A, section 11203, subsection 6 of the Sex Offender Registration and Notification Act of 1999, and conviction requires registration for 10 years. As the result of an oversight, the definition of "sex offense" was not amended to reflect the change in designation of the crime in the Maine Criminal Code. The correction is retroactive to the effective date of Public Law 2011, chapter 464, September 28, 2011, to allow for conviction of the crime of unlawful sexual contact in violation of Title 17-A, section 255-A, subsection 1, paragraph F-2 to continue to require registration for 10 years.