

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE
AND PUBLIC SAFETY**

July 2013

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STATE OF MAINE

126TH LEGISLATURE

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LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 126th 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.

CARRIED OVER carried over to a subsequent session of the Legislature
CON RES XXX..... chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE.....Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSES.....House & Senate disagreed; legislation died
DIED IN CONCURRENCE.....defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX.....chapter # of enacted public Law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 126th Legislature is October 9, 2013. 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 355

**An Act To Amend Provisions Relating to the Department of Corrections
To Clarify Certain Enforcement Powers**

PUBLIC 80

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY LONG	OTP-AM	S-38

This bill does the following.

1. It allows employees of the Department of Corrections who are certified by the Board of Trustees of the Maine Criminal Justice Academy as law enforcement officers to exercise the same law enforcement powers as investigative officers. This change allows department employees who have completed the academy's part-time law enforcement officer training to exercise those powers when authorized by the Commissioner of Corrections.
2. It amends the laws governing the interception of prisoner wire and oral communications to reflect the proposed changes for employees of the Department of Corrections.
3. It requires transportation to work release job sites to be approved by a correctional facility's chief administrative officer instead of arranged exclusively by the commissioner as in current law.
4. It permits a correctional facility to use the first \$1,000 in any deceased prisoner's facility-administered accounts to pay the funeral director and specified others. Current law allows the facility to make such payments only for those prisoners with no more than \$1,000 in their accounts.

Committee Amendment "A" (S-38)

This amendment adds jail investigative officers and jail employees working at the direction of the jail investigative officer to those who may be authorized to exercise the same law enforcement powers as investigative officers.

It also clarifies that the phrase "administration of juvenile criminal justice" has the same meaning as in the Maine Juvenile Code.

Enacted Law Summary

Public Law 2013, chapter 80 does the following.

1. It allows employees of the Department of Corrections who are certified by the Board of Trustees of the Maine Criminal Justice Academy as law enforcement officers to exercise the same law enforcement powers as investigative officers. This change allows department employees who have completed the academy's part-time law enforcement officer training to exercise those powers when authorized by the Commissioner of Corrections.
2. It provides that jail investigative officers and jail employees working at the direction of the jail investigative officer may be authorized to exercise the same law enforcement powers as investigative officers.
3. It amends the laws governing the interception of prisoner wire and oral communications to reflect the proposed changes for employees of the Department of Corrections.
4. It requires transportation to work release job sites to be approved by a correctional facility's chief administrative officer instead of arranged exclusively by the commissioner as in current law.
5. It permits a correctional facility to use the first \$1,000 in any deceased prisoner's facility-administered accounts to pay the funeral director and specified others. Current law allows the facility to make such payments only for

Joint Standing Committee on Criminal Justice and Public Safety

those prisoners with no more than \$1,000 in their accounts.

6. It clarifies that the phrase "administration of juvenile criminal justice" has the same meaning as in the Maine Juvenile Code.

LD 366 An Act To Adjust the Values of Property That Define the Class of ONTP
Crime for Theft Offenses

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

This bill changes the property values that define theft crimes other than Class E crimes as follows:

1. For a Class B offense, from more than \$10,000 to more than \$20,000;
2. For a Class C offense, from more than \$1,000 but not more than \$10,000 to more than \$5,000 but not more than \$20,000; and
3. For a Class D offense, from more than \$500 but not more than \$1,000 to more than \$1,000 but not more than \$5,000.

LD 379 An Act To Require Institutions To Report Knowledge or Suspicion of ONTP
Criminal Violations to a Law Enforcement Agency

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

This bill requires the administration of an institution supported by public funds that provides a public service to immediately report to the appropriate law enforcement agency any knowledge or suspicion of a crime or criminal activity that is taking or has taken place on the grounds of the institution.

LD 380 An Act To Clarify the Law Concerning the Threatening Display of VETO
Dangerous Weapons **SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE HASKELL	OTP-AM ONTP	H-204

This bill amends the law regarding threatening display or carrying of a dangerous weapon by clarifying that "display in a threatening manner" includes to display a dangerous or deadly weapon in a public place in a way that causes a reasonable person to suffer intimidation or alarm.

Committee Amendment "A" (H-204)

This amendment replaces the bill and is the majority report of the committee. It clarifies that, except as prohibited by law, a person has the right to carry an unconcealed firearm in this State. This amendment prohibits a person, unless excepted by law, from refusing to provide that person's name, address and date of birth at the request of a law enforcement officer if the person possesses a dangerous and deadly weapon in a public place if the totality of the