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

FIRST REGULAR SESSION

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.

This bill requires the Attorney General to prosecute all credible claims of assault by a law enforcement officer against an unarmed person, allows a law enforcement agency to investigate a claim of assault on an unarmed person by a law enforcement officer of another law enforcement agency and removes the immunity from personal civil liability from a law enforcement officer who assaults an unarmed person.

| LD 701 | An Act To Amend the Laws Governing Probation and Remove References to the Intensive Supervision Program of the Department of Corrections | PUBLIC 133 |

Sponsor(s)	Committee Report	Amendments Adopted
GERZOFSKY	OTP-AM	S-44
LONG	OTP-AM	

This bill amends the laws governing the process for terminating the probation of certain persons. It also requires the termination of the probation of persons, other than domestic violence and sex offenders, who complete all probation requirements if at least one half of the probation period has been served.

It allows the Department of Corrections to impose fees on probationers seeking out-of-state travel permits. The fees must be used to defray costs associated with processing the applications, as well as to help pay for extraditing probationers who have left Maine without permission or failed to return to Maine as required by a travel permit.

It amends the laws governing alternatives to probation revocation proceedings regarding under what conditions these alternatives are available, what these alternatives are and the duties of a probation officer with respect to a person on probation who successfully completes alternatives to probation revocation proceedings.

It eliminates references to the Department of Corrections' Intensive Supervision Program.

Committee Amendment "A" (S-44)

This amendment is the majority report of the committee. The amendment removes the provisions of the bill regarding the termination of probation. It also removes language that authorizes a probation officer who has evidence of a probation violation to offer the defendant the opportunity to voluntarily go to jail for a period of time not to exceed 72 hours in lieu of terminating that person's probation.

Committee Amendment "B" (S-45)

This amendment is the minority report of the committee and adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2013, chapter 133 amends the laws governing the process for terminating the probation of certain persons. It also requires the termination of the probation of persons, other than domestic violence and sex offenders, who complete all probation requirements if at least one half of the probation period has been served.

It also allows the Department of Corrections to impose fees on probationers seeking out-of-state travel permits. The fees must be used to defray costs associated with processing the applications, as well as to help pay for extraditing probationers who have left Maine without permission or failed to return to Maine as required by a travel permit.

It amends the laws governing alternatives to probation revocation proceedings regarding under what conditions these alternatives are available, what these alternatives are and the duties of a probation officer with respect to a person on probation who successfully completes alternatives to probation revocation proceedings.

Public Law 2013, chapter 133 eliminates references to the Department of Corrections' Intensive Supervision

Program.

LD 703   **An Act To Make Post-conviction Possession of Animals a Criminal**   **VETO**
              Offense   **SUSTAINED**

Sponsor(s)	Committee Report	Amendments Adopted
MAZUREK	ONTP OTP-AM	S-283

This bill sets the minimum amount of time for a person convicted of animal cruelty that the person cannot own, possess or have on the person's premises an animal as 5 years for a Class D crime and 15 years for a Class C crime and makes a violation of these time periods a Class D crime. This bill also provides for a person to petition the court to reduce the amount of time that the person may not own, possess or have on the person's premises an animal upon a showing that the person does not present a danger to animals, and other criteria.

Committee Amendment "A" (S-283)

This amendment is the minority report that was not adopted. It replaces the bill and provides that a person convicted of cruelty to animals may not own, possess, have on that person's premises or have under that person's control an animal for at least 5 years for a Class D conviction for cruelty to animals or for at least 15 years for a Class C conviction for cruelty to animals and makes a violation of this prohibition a Class D crime.

It provides that the Commissioner of Agriculture, Conservation and Forestry may reduce the period of time a person convicted of cruelty to animals is prohibited from having an animal upon application by the person subject to the prohibition. The commissioner may revoke the reduction in time granted if the commissioner finds that the person is a danger to animals or no longer has the ability to properly care for an animal. A person whose reduction of time has been revoked may not reapply for a reduction in time.

This amendment provides that a person subject to a prohibition for conviction of cruelty to animals may apply to the commissioner for final relief from the period of time the person is prohibited from having an animal no sooner than 5 years after entry of conviction for a Class D crime and no sooner than 15 years after entry of conviction for a Class C crime. A person may not reapply for final relief more frequently than every two years.

Finally, it authorizes the Commissioner of Agriculture, Conservation and Forestry to establish an application filing fee of not more than $25 to cover the costs of processing applications.

LD 708   **An Act To Reduce Emergency Rescue Costs**   **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DUTREMBLE	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to direct the Director of Maine Emergency Medical Services within the Department of Public Safety to establish a pilot project designed to increase response efficiency for emergency medical services personnel and reduce costs for both patients and insurers. The bill would direct the Medical Direction and Practices Board to establish a Maine Emergency Medical Services protocol that authorizes emergency medical services personnel to identify those patients that need follow-up medical care but do not have a condition serious enough to need an ambulance to the nearest hospital. Under the pilot project, emergency medical services personnel would offer to patients meeting this criterion a free voucher to cover the round trip to and from the medical provider of the patient's choice. At the conclusion of the pilot project, the Director of Maine Emergency Medical Services would be required to report to the Legislature regarding the results