

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

areas of that individual without a reasonable and articulable suspicion that the individual possesses a prohibited item that may not be detectable without touching those areas. This prohibition does not apply to security screenings at correctional facilities.

LD 842 An Act To Facilitate the Use of Electronic Monitoring

PUBLIC 227

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE CAIN	OTP-AM	H-296

This bill provides a new form of relief to Maine's existing protection from abuse laws by allowing those seeking a protection from abuse order to request that the defendant be subject to electronic monitoring. Electronic monitoring may be ordered only after a full protection from abuse hearing and only after consideration of various domestic violence risk factors.

It directs the Department of Public Safety to establish an electronic monitoring program and authorizes the department to seek funding from the Electronic Monitoring Fund to support the program. This bill repeals the electronic monitoring fund within the Department of Corrections and places it in the judicial branch. These provisions take effect January 1, 2016.

Beginning July 1, 2015, the electronic monitoring program would operate as a pilot program in 4 of Maine's counties, expanding to statewide coverage by January 1, 2016.

Committee Amendment "A" (H-296)

This amendment replaces the bill and does the following.

1. It provides that a judicial officer may require a defendant to participate in an electronic monitoring program as a condition of pretrial release.
2. It provides that a judicial officer may require a person convicted of a crime to participate in an electronic monitoring program as a condition of probation.
3. It establishes the Electronic Monitoring Fund within the State Board of Corrections and removes the fund from the purview of the Department of Corrections.
4. It directs the Maine Commission on Domestic and Sexual Abuse, to the extent practicable and as resources permit, to assist the State Board of Corrections in developing and implementing an electronic monitoring pilot project. By February 15, 2014, the commission must report to the Joint Standing Committee on Criminal Justice and Public Safety on the progress in developing and implementing an electronic monitoring pilot project.
5. It authorizes the committee to report out a bill to the Second Regular Session of the 126th Legislature implementing the recommendations of the commission.

Enacted Law Summary

Public Law 2013, chapter 227 does the following.

1. It provides that a judicial officer may require a defendant to participate in an electronic monitoring program as a condition of pretrial release.
2. It provides that a judicial officer may require a person convicted of a crime to participate in an electronic monitoring program as a condition of probation.

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3. It establishes the Electronic Monitoring Fund within the State Board of Corrections and removes the fund from the purview of the Department of Corrections.

4. It directs the Maine Commission on Domestic and Sexual Abuse, to the extent practicable and as resources permit, to assist the State Board of Corrections in developing and implementing an electronic monitoring pilot project. By February 15, 2014, the commission must report to the Joint Standing Committee on Criminal Justice and Public Safety on the progress in developing and implementing an electronic monitoring pilot project.

5. It authorizes the Joint Standing Committee on Criminal Justice and Public Safety to report out a bill to the Second Regular Session of the 126th Legislature implementing the recommendations of the commission.

LD 873 An Act To Establish Positive Reentry Parole

ONTP

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

This bill establishes the option of parole for persons sentenced on or after October 1, 2013. Current law provides that only persons in the custody of the Department of Corrections pursuant to a sentence imposed under the law in effect before May 1, 1976 may apply for parole. This bill incorporates the concepts of positive reentry parole, is modeled in part on recent law enacted by Colorado and uses some of the technical aspects of Maine's existing parole law.

LD 883 An Act Regarding the Sexual Assault Forensic Examiner Advisory Board

PUBLIC 68

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY GRAHAM	OTP-AM	S-26

This bill allows the Sexual Assault Forensic Examiner Advisory Board the authority to issue certificates to persons who complete sexual assault forensic examiner training and provides that certification by the board does not constitute licensing under the Maine Administrative Procedure Act.

Committee Amendment "A" (S-26)

This bill allows the Sexual Assault Forensic Examiner Advisory Board to establish prerequisites applicable to persons who wish to participate in sexual assault forensic examiner training, but does not require the prerequisites to be established by routine technical rule.

Enacted Law Summary

Public Law 2013, chapter 68 allows the Sexual Assault Forensic Examiner Advisory Board the authority to establish prerequisites applicable to persons who wish to participate in sexual assault forensic examiner training and issue certificates to those who complete the training.