

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

2. It increases the penalty from \$50 to \$1,000 for the civil violation of giving a false or fictitious name to a firearms dealer.

3. It creates a study group to be convened by the Chief of the State Police to review and make recommendations regarding the current "blue paper" process as it relates to persons who are temporarily prohibited from possessing firearms. Representatives from the following are invited to participate in this review: the Office of the Attorney General, the Department of Health and Human Services, the Maine Prosecutors' Association, the Maine Disability Rights Center and any other interested parties that the Chief of the State Police determines appropriate.

4. It requires the study group to report its recommendations to the Joint Standing Committee on Criminal Justice and Public Safety by January 30, 2014. Upon receipt of the report, the Joint Standing Committee on Criminal Justice and Public Safety may report out a bill to the Second Regular Session of the 126th Legislature.

LD 1260

An Act To Allow Ignition Interlock Devices on Vehicles Operated by First-time Offenders of Operating Under the Influence

PUBLIC 389

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING PLUMMER	OTP-AM	H-369

Current law requires the license of a person convicted of operating under the influence, or OUI, to be suspended for 90 days if it is the person's first OUI conviction within 10 years. At the end of the suspension, the person must pay a license reinstatement fee of \$50.

This bill amends the OUI laws for a first-time offender to:

1. Increase the license suspension period to 180 days;
2. Allow the license of a person to be reinstated immediately if the person has an ignition interlock device installed in the motor vehicle that person operates. The device must remain installed for 180 days or the number of days remaining in the suspension period, whichever is shorter; and
3. Increase the reinstatement fee to \$100 if the person chooses to have an ignition interlock device installed in the motor vehicle the person operates.

Committee Amendment "A" (H-369)

This amendment does the following.

1. It reduces from 180 days to 150 days the driver's license suspension period for a person's first conviction of operating under the influence, or OUI.
2. It provides that the license of a first-time OUI offender may be reinstated 30 days after installing an ignition interlock device, instead of immediately upon installation as provided in the bill.
3. It also changes from 180 days to 150 days or the length of the suspension period the time a person who has one OUI offense must have an ignition interlock device installed before the Secretary of State may reinstate that person's driver's license.
4. It establishes a \$50 administrative fee for a person whose license is reinstated through the use of an ignition interlock device. The administrative fee is in addition to the license reinstatement fee.

Joint Standing Committee on Criminal Justice and Public Safety

5. It provides that if a person commits an OUI and it results in a fatality, that person is ineligible to receive an ignition interlock device.
6. It provides that if a person commits an OUI that results in serious bodily injury that person's driver's license may be reinstated after three years of the suspension period has run if the person has installed for a period of three years an ignition interlock device.
7. It establishes penalties for a first-time OUI offender who violates the terms and conditions of license reinstatement with an ignition interlock device.
8. It requires a person certified by the Secretary of State to install ignition interlock devices to provide to a person whose adjusted gross household income is not more than 150% of the federal poverty level a discount of at least 50% of the costs associated with installing the ignition interlock device.
9. It delays the effective date of the provisions of the bill regarding the time period a first-time OUI offender's driver's license is suspended and may be reinstated through the use of an ignition interlock device until December 1, 2013.

Enacted Law Summary

Public Law 2013, chapter 389 does the following.

1. It increases the driver's license suspension period from 90 days to 150 days for a person's first conviction of operating under the influence, or OUI.
2. It provides that the license of a first-time OUI offender may be reinstated after 30 days of the suspension period has run if the person has installed an ignition interlock device for 150 days.
3. It also provides that a person who has one OUI offense must have an ignition interlock device installed for 150 days or the length of the suspension period before the Secretary of State may reinstate that person's driver's license.
4. It provides that if a person commits an OUI that results in serious bodily injury that person's driver's license may be reinstated after three years of the suspension period has run if the person has installed an ignition interlock device for three years.
5. It provides that if a person commits an OUI and it results in a fatality, that person is ineligible to receive an ignition interlock device.
6. It establishes a \$50 administrative fee for a person whose license is reinstated through the use of an ignition interlock device. The administrative fee is in addition to the license reinstatement fee.
7. It establishes penalties for a first-time OUI offender who violates the terms and conditions of license reinstatement with an ignition interlock device.
8. It requires a person certified by the Secretary of State to install ignition interlock devices to provide to a person whose adjusted gross household income is not more than 150% of the federal poverty level a discount of at least 50% of the costs associated with installing the ignition interlock device.
9. It also provides that the provisions of the Act regarding the time period a first-time OUI offender's driver's license is suspended and may be reinstated through the use of an ignition interlock device take effect December 1, 2013.