

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
126<sup>TH</sup> 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

126<sup>TH</sup> 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 126<sup>th</sup> 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 126<sup>th</sup> 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 1289 An Act To Create an Animal Abuser Registry**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DICKERSON MAZUREK	ONTP	

This bill requires a person convicted of animal cruelty under Maine's criminal law or convicted of a comparable offense in another state to register annually as an animal abuser with the county sheriff for a period of 15 years. It requires each county sheriff to maintain a registry and disseminate information on the registered animal abuser. It requires the Department of Public Safety, State Bureau of Identification to maintain a central registry of animal abusers.

**LD 1305 An Act To Discourage Tenants from Damaging Rental Property**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON C LAJOIE	ONTP OTP-AM	

This bill creates the Class E crime of unlawful damage by a tenant if at the termination of a tenancy a rental unit has sustained over \$1,000 worth of damage over the amount of the security deposit and the tenant does not pay the landlord within 60 days' notice of the damage by the landlord. A 2nd or subsequent offense is a Class D crime.

**Committee Amendment "A" (S-240)**

This amendment replaces the bill and is the minority report. It provides that the value of the loss of rental income because of damage caused by the tenant may be used to establish the Class C crime of aggravated mischief.

**LD 1316 An Act Regarding Computers Used To Commit a Crime or Facilitate the Commission of a Crime**

**PUBLIC 297**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TYLER PLUMMER	OTP-AM	H-317

This bill amends the law regarding the disposition of computers used to commit crimes to:

1. Add a definition of "data storage device," as it is used in the definition of "computer";
2. Require that computer data stored on a computer in the possession of the State that was used to commit or facilitate the commission of a crime be permanently destroyed or caused to be permanently destroyed by the State through the removal and destruction of any parts of the computer on which the computer data are stored;
3. Permit the release of specifically identifiable computer data to persons requesting that computer data if certain conditions are met;
4. Permit the State to either destroy or assume ownership of a computer under certain circumstances;

## *Joint Standing Committee on Criminal Justice and Public Safety*

5. Allow a person having a bona fide property interest in a computer in the custody of the State to take possession of that computer, but only after computer data on the computer have been permanently destroyed. If the computer was used to commit or facilitate the commission of a crime involving sexual exploitation of a minor, that computer, and all computer data on that computer, must be permanently destroyed;
6. Require the State, if it assumes ownership of a computer, to permanently destroy, or cause to be permanently destroyed, all computer data stored on that computer; and
7. Require that, before a criminal justice agency permanently destroys any computer data or disposes or assumes ownership of a computer in the custody of the agency prior to the effective date of this Act, the agency post on its publicly accessible website a notice stating that, unless written notification as described in the bill is given to the criminal justice agency within 4 months after the effective date of this Act, all such computer data and computers must be disposed of in accordance with the provisions of the bill.

### **Committee Amendment "A" (H-317)**

This amendment makes the following changes to the bill.

1. It gives the State the discretion to destroy or dispose of a computer used to commit a crime instead of making it mandatory as in the bill.
2. In addition to a finding of the defendant's guilt as the trigger for the destruction of computer data or the disposal of a computer, this amendment adds to that the court's acceptance of a plea of guilty or nolo contendere or a finding by the court that the person is not criminally responsible for the crime. It also clarifies that the destruction or disposal of such property may not be done until after all appeal periods have run and any such proceedings have concluded.
3. In addition to the conditions in the bill that must be met before the State releases any computer data to persons requesting the data, this amendment also provides that the chief officer of the agency subject to the request may consider whether there is a 3rd-party vendor that can accommodate the request if the agency cannot provide the requested data. It also provides that the chief officer shall refer the request to the 3rd-party vendor for processing upon receipt of full payment from the requestor for the amount to be charged by the vendor.
4. This amendment provides that the chief officer of the criminal justice agency that is subject to a request for computer data or for possession of a computer must respond within 60 days from the date the request was received by the chief officer.
5. It changes the notice the State must give before destroying computer data or disposing of a computer in the custody of the State prior to the effective date of this Act from 4 months to 90 days.

### **Enacted Law Summary**

Public Law 2013, chapter 297 amends the law regarding the disposition of computers used to commit crimes as follows.

1. It adds a definition of "data storage device," as it is used in the definition of "computer."
2. It provides that computer data stored on a computer in the possession of the State that was used to commit or facilitate the commission of a crime may be permanently destroyed or caused to be permanently destroyed by the State through the removal and destruction of any parts of the computer on which the computer data are stored.
3. It provides that a finding of the defendant's guilt, the court's acceptance of a plea of guilty or nolo contendere or a finding by the court that the person is not criminally responsible for the crime is a trigger for the destruction of computer data or the disposal of a computer.

**Joint Standing Committee on Criminal Justice and Public Safety**

4. It permits the release of specifically identifiable computer data to persons requesting that computer data if certain conditions are met. If an agency cannot provide the requested data, the chief officer of the agency subject to the request may consider whether there is a 3rd-party vendor that can accommodate the request and if so, refer the request to the 3rd-party vendor for processing upon receipt of full payment from the requestor for the amount to be charged by the vendor.
5. It permits the State to either destroy or assume ownership of a computer under certain circumstances and provides that the State may, if it assumes ownership of a computer, permanently destroy, or cause to be permanently destroyed, all computer data stored on that computer.
6. It allows a person having a bona fide property interest in a computer in the custody of the State to take possession of that computer, but only after computer data on the computer have been permanently destroyed. If the computer was used to commit or facilitate the commission of a crime involving sexual exploitation of a minor, that computer, and all computer data on that computer, may be permanently destroyed.
7. It requires that, before a criminal justice agency permanently destroys any computer data or disposes or assumes ownership of a computer in the custody of the agency prior to October 9, 2013, the agency must post on its publicly accessible website a notice stating that, unless written notification is given to the criminal justice agency within 90 days after October 9, 2013, all such computer data and computers must be disposed of in accordance with the provisions of this Act.

**LD 1320     An Act To Fairly Distribute the Debt Burden between the State and County Correctional Functions**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACDONALD W JOHNSON C	ONTP OTP-AM	

This bill requires the State Board of Corrections to develop a formula to distribute the cost of debt service for Two Bridges Regional Jail to counties and to the State in proportion to the number of inmates each county and the State has in the jail. The formula must be updated 12 months prior to the beginning of each biennium and the cost of debt service must be included in the budgets of each county and the State.

**Committee Amendment "A" (H-356)**

This amendment, which is the minority report of the committee, replaces the bill. It requires the State Board of Corrections to determine the percentage of the average daily inmate population that came from outside of each county for the previous fiscal year. As long as the percentage of the population from outside the county is 10% or more, the county may include a percentage of the interest associated with corrections debt that is equal to the percentage of inmates from outside that county in its budget submitted to the State Board of Corrections. The amendment also adds an appropriations and allocations section.

**LD 1419     An Act To Allow a Setoff of a Third-party Bailor's Property under Certain Conditions**

**PUBLIC 211**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION GERZOFSKY	OTP	