

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.

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 | |

Joint Standing Committee on Criminal Justice and Public Safety

This bill allows a court to set off a portion of the bail posted by a third person on behalf of a defendant to pay any fine, fee or restitution that is owed by the third person.

Enacted Law Summary

Public Law 2013, chapter 211 allows a court to set off a portion of the bail posted by a third person on behalf of a defendant to pay any fine, fee or restitution that is owed by the third person.

LD 1429 An Act To Allow School Administrative Units To Establish Rules, Procedures and Guidelines for Properly Trained Staff To Carry a Concealed Handgun on School Property while Acting in Their Official Capacities

**ACCEPTED
MAJORITY
(ONTP) REPORT**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| BURNS WILLETTE | ONTP OTP-AM | |

This bill enables school administrative units to establish rules, procedures and guidelines to allow a properly trained school employee to carry a concealed handgun on school property. It also sets the following parameters.

1. It requires a school administrative unit electing to allow an employee to carry a concealed handgun on school property to ensure that the employee successfully completes a firearms training course and requalifies on an annual basis.
2. It also requires the employee to complete training in crisis intervention and hostage situations and use of deadly force, and possess a valid permit to carry a concealed handgun.
3. It requires a school administrative unit establishing a concealed handgun program to establish in writing the duties and responsibilities of school employees authorized to participate in the program.
4. It mandates that liability insurance be carried on each participating employee, whether paid for by the school administrative unit or the employee.
5. It allows a school administrative unit to pay a participating employee a stipend and to require an employee applying to carry a concealed handgun on school property to submit to a psychological evaluation.
6. It authorizes the Maine Criminal Justice Academy to design a firearms training course for school employees who have applied to carry concealed handguns on school property.
7. It specifies that participation in the program by a school employee is voluntary and provides that if at least 10% of the number of voters voting in the last general election petition the school administrative unit, the issue will be put to a vote at referendum.

Committee Amendment "A" (S-150)

This amendment is the minority report and allows a school administrative unit to invite a school employee who is qualified to carry a concealed handgun on school premises to become a part-time law enforcement officer. It provides that the school administrative unit may enter into an agreement with a local law enforcement agency to commission a qualified school employee as a part-time law enforcement officer. Before becoming a part-time law enforcement officer, the school employee must successfully complete the Maine Criminal Justice Academy's training requirements for a part-time law enforcement officer.